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MR. WISHART

TORONTO
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EXPLANATORY NOTE

The Bill implements the recommendations of the Rand Report concerning labour injunctions.

177

BILL 177

1970

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 17,
re-enacted

- 17.—(1) In this section, “labour dispute” means a ^{Interpre-} dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
- (2) Subject to subsection 7, no injunction to restrain a ^{No *ex parte*} person from any act in connection with a labour ^{applications} dispute shall be granted *ex parte*. ^{for} ^{injunctions}
- (3) In every application for an injunction to restrain a ^{Steps before} person from any act in connection with a labour ^{application} dispute, the court must be satisfied that reasonable ^{for} efforts to obtain police assistance, protection and ^{injunction} action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry upon or exit from the premises in question, or breach of the peace have been unsuccessful.
- (4) Subject to subsection 7, evidence in support of an ^{Evidence} application for an injunction to restrain a person from any act in connection with a labour dispute shall be provided by way of affidavits confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party

filing such affidavit, together with the proper conduct money, require the attendance of the deponent to be cross-examined at the hearing of the motion.

Notice of
application
for interim
injunction

- (5) An interim injunction to restrain a person from any act in connection with a labour dispute may be granted for a period of not longer than four days and, subject to subsection 7, only after two days notice of the application therefor has been given to the person or persons named in the application.

Idem

- (6) At least two days notice of an application for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the persons affected thereby and not named in the application,

(a) where such persons are members of a labour organization, by personal service upon an officer or agent of the labour organization; and

(b) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Idem

- (7) Where notice as required by subsections 5 and 6 is not given, the court may grant an interim injunction where,

(a) the case is otherwise a proper one for the granting of an interim injunction; and

(b) notice as required by subsections 5 and 6 could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service; and

(c) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 63a of *The Labour*

Relations Act, to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and

(d) proof of all material facts for the purposes of clauses *a*, *b* and *c* is established by *viva voce* evidence.

(8) The misrepresentation of any fact or the withholding^{Misrepresentation} of any qualifying relevant matter, directly or in-^{as} directly provided by or on behalf of the applicant^{contempt of court} for an injunction under this section, constitutes a contempt of court.

(9) Any judgment or order in an application under this^{Appeal} section may be appealed to the Court of Appeal.

2. This Act does not apply in respect of actions for an^{Application} injunction commenced before this Act comes into force.

3. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

4. This Act may be cited as *The Judicature Amendment*^{Short title} Act, 1970 (No. 2.).

An Act to amend
The Judicature Act

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WISHART

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BILL 177

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART



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PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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1. Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 17,
re-enacted

- 17.—(1) In this section, “labour dispute” means a ^{Interpre-} dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
- (2) Subject to subsection 7, no injunction to restrain a ^{No *ex parte*} person from any act in connection with a labour ^{applications} dispute shall be granted *ex parte*. ^{for} ^{injunctions}
- (3) In every application for an injunction to restrain a ^{Steps before} person from any act in connection with a labour ^{application} dispute, the court must be satisfied that reasonable ^{for} efforts to obtain police assistance, protection and ^{injunction} action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry upon or exit from the premises in question, or breach of the peace have been unsuccessful.
- (4) Subject to subsection 7, evidence in support of an ^{Evidence} application for an injunction to restrain a person from any act in connection with a labour dispute shall be provided by way of affidavits confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party

filing such affidavit, together with the proper conduct money, require the attendance of the deponent to be cross-examined at the hearing of the motion.

Notice of
application
for interim
injunction

- (5) An interim injunction to restrain a person from any act in connection with a labour dispute may be granted for a period of not longer than four days and, subject to subsection 7, only after two days notice of the application therefor has been given to the person or persons named in the application.

Idem

- (6) At least two days notice of an application for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the persons affected thereby and not named in the application,

(a) where such persons are members of a labour organization, by personal service upon an officer or agent of the labour organization; and

(b) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Idem

- (7) Where notice as required by subsections 5 and 6 is not given, the court may grant an interim injunction where,

(a) the case is otherwise a proper one for the granting of an interim injunction; and

(b) notice as required by subsections 5 and 6 could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service; and

(c) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 63a of *The Labour*

Relations Act, to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and

(d) proof of all material facts for the purposes of clauses *a*, *b* and *c* is established by *viva voce* evidence.

(8) The misrepresentation of any fact or the withholding of any qualifying relevant matter, directly or indirectly provided by or on behalf of the applicant for an injunction under this section, constitutes a contempt of court. ^{Misrepresentation as contempt of court}

(9) Any judgment or order in an application under this section may be appealed to the Court of Appeal. ^{Appeal}

2. This Act does not apply in respect of actions for an injunction commenced before this Act comes into force. ^{Application}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Judicature Amendment Act, 1970 (No. 2.)*. ^{Short title}

An Act to amend
The Judicature Act

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 28th, 1970

MR. WISHART

BILL 178

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

Mr. WISHART



EXPLANATORY NOTE

The amendment increases the number of High Court judges to thirty-one.

BILL 178

1970

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as R.S.O. 1960, amended by section 1 of *The Judicature Amendment Act, 1970*,^{c. 197, s. 5,} is further amended by striking out "thirty" in the amendment^{subs. 1,} of 1970 and inserting in lieu thereof "thirty-one", so that the subsection shall read as follows:^{amended}

(1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called^{High Court of Justice} the Chief Justice of the High Court, and thirty-one other judges.

2. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Judicature Amendment Act*,^{Short title} 1970 (No. 3).

An Act to amend
The Judicature Act

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WISHART

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BILL 178

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

BILL 178

1970

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1970*, is further amended by striking out "thirty" in the amendment of 1970 and inserting in lieu thereof "thirty-one", so that the subsection shall read as follows:

R.S.O. 1960,
c. 197, s. 5,
subs. 1,
amended

- (1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and thirty-one other judges.

High Court
of Justice

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Judicature Amendment Act, 1970* (No. 3).

Short title

An Act to amend
The Judicature Act

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

MR. WISHART

BILL 179

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Statutes Revision Act, 1968-69

MR. WISHART



EXPLANATORY NOTES

Section 2, at present, requires the commissioners to include in the R.S.O. 1970, Acts in the R.S.O. 1960 and the public general statutes enacted after the 31st day of December, 1960, and before the 1st day of August, 1970. With the possibility of the session in 1970 extending into December, it is necessary to extend the period to the end of the year so that all Acts passed at the 1970 session will be included in the R.S.O. 1970.

The R.S.O. 1970 will, therefore, be brought into force in 1971 as soon as the printing thereof can be completed.

During the period between the 31st day of December, 1970, and the coming into force of the R.S.O. 1970 in 1971, certain Acts will be amended at the 1971 session of the Legislature by reference to the Acts in the R.S.O. 1960 and the annual volumes. These Acts will be repealed when R.S.O. 1970 comes into force and it is, therefore, necessary to make the corresponding amendments to the R.S.O. 1970.

The new section 3a will accomplish this without resorting to the confusing practice used in Ontario in relation to the 1960 revision of introducing Bills having two parts, one part to amend the statutes then in force and one part to amend the R.S.O. 1960.

BILL 179

1970

**An Act to amend
The Statutes Revision Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Statutes Revision Act, 1968-69* is ^{1968-69, c. 120, s. 2,} amended by striking out "1st day of August 1970" in the ^{amended} fourth line and inserting in lieu thereof "1st day of January, 1971", so that the section shall read as follows:

2. The commissioners shall examine the Revised ^{Duties} Statutes of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of January, 1971, and shall arrange, consolidate and revise such statutes in accordance with this Act.

2. *The Statutes Revision Act, 1968-69* is amended by adding ^{1968-69, c. 120,} thereto the following section: ^{amended}

- 3a. Where an Act is amended or re-enacted after the 31st ^{Correction of reference to Acts included in R.S.O. 1970 that were amended after} day of December, 1970, and before the Revised Statutes of Ontario, 1970 come into force and such Act is in the Revised Statutes of Ontario, 1970,

- (a) such Act as it appears in the Revised Statutes of Ontario, 1970 shall be deemed to be ^{Dec. 31, 1970, and before R.S.O. 1970 in force} amended or re-enacted correspondingly; and

- (b) the commissioners shall cause the appropriate changes to be made in the Acts passed during such period.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Statutes Revision Amend-* ^{Short title} *ment Act, 1970.*

An Act to amend
The Statutes Revision Act, 1968-69

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

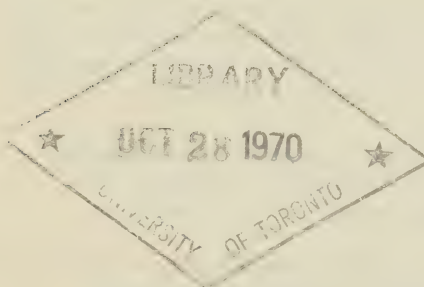
MR. WISHART

BILL 179

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Statutes Revision Act, 1968-69

MR. WISHART



BILL 179

1970

An Act to amend The Statutes Revision Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Statutes Revision Act, 1968-69* is ^{1968-69,} amended by striking out "1st day of August, 1970" in the ^{c. 120, s. 2,} ^{amended} fourth line and inserting in lieu thereof "1st day of January, 1971", so that the section shall read as follows:

2. The commissioners shall examine the Revised ^{Duties} Statutes of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of January, 1971, and shall arrange, consolidate and revise such statutes in accordance with this Act.

2. *The Statutes Revision Act, 1968-69* is amended by adding ^{1968-69,} thereto the following section: ^{c. 120,} ^{amended}

3a. Where an Act is amended or re-enacted after the 31st ^{Correction} day of December, 1970, and before the Revised ^{of reference} Statutes of Ontario, 1970 come into force and such ^{to Acts} Act is in the Revised Statutes of Ontario, 1970, ^{included} ^{in R.S.O.} ^{1970 that} ^{were} ^{amended} ^{after} ^{Dec. 31,} ^{1970, and} ^{before} ^{R.S.O. 1970} ^{in force}

(a) such Act as it appears in the Revised Statutes of Ontario, 1970 shall be deemed to be amended or re-enacted correspondingly; and

(b) the commissioners shall cause the appropriate changes to be made in the Acts passed during such period.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Statutes Revision Amend-* ^{Short title} *ment Act, 1970.*

An Act to amend
The Statutes Revision Act, 1968-69

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

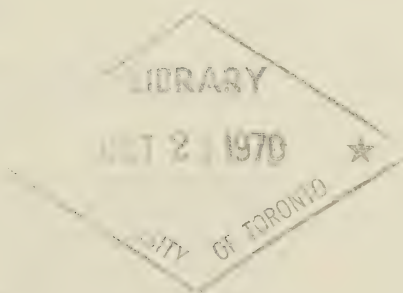
MR. WISHART

BILL 180

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regulations Revision Act, 1968-69

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Regulations Revision Act, 1968-69 provides for the consolidation and revision of the Revised Regulations of Ontario, 1960 and of all regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970. Regulations will be filed in the first part of 1971 and before the Revised Regulations of Ontario, 1970 come into force and provision is required to integrate such regulations with the R.R.O. 1970. The amendment authorizes the commissioners to make the appropriate changes in the regulations filed in that period and to cause such revised regulations to be published in *The Ontario Gazette* immediately following the day the Revised Regulations of Ontario, 1970 come into force. The regulations when so published will be deemed to be filed on the day the R.R.O. 1970 come into force, so that the four volumes of the R.R.O. 1970, together with the regulations so published, will comprise all extant regulations filed under *The Regulations Act* as of the date the R.R.O. 1970 comes into force.

BILL 180

1970

An Act to amend The Regulations Revision Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Revision Act, 1968-69* is amended by adding thereto the following section: 1968-69,
c. 111,
amended

3a.—(1) Where a regulation is filed under *The Regulations Act* on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1970, Regulations
filed on
and after
Dec. 31st,
1970 and
before day
R.R.O. 1970
in force
to be
revised and
published

(a) the regulation as it appears in the Revised Regulations of Ontario, 1970 shall be deemed to be amended, remade or referred to correspondingly; and

(b) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1970 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

(2) Upon the publication of the regulations mentioned in subclause ii of clause b of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations Effect of
publication
R.S.O. 1960,
c. 349

of Ontario, 1970 come into force and the regulations filed on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force are revoked on the day the Revised Regulations of Ontario, 1970 come into force.

1968-69,
c. 111, s. 5,
subs. 2,
re-enacted

2. Subsection 2 of section 5 of *The Regulations Revision Act, 1968-69*, is repealed and the following substituted therefor:

Idem

(2) On and after the day so proclaimed,

(a) all regulations contained in the Revised Regulations of Ontario, 1960; and

(b) all regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970,

are revoked.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Regulations Revision Amendment Act, 1970*.

An Act to amend
The Regulations Revision Act,
1968-69

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 180

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regulations Revision Act, 1968-69

MR. WISHART



BILL 180

1970

An Act to amend The Regulations Revision Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Revision Act, 1968-69* is amended by adding thereto the following section: 1968-69, c. 111, amended

3a.—(1) Where a regulation is filed under *The Regulations Act* on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1970, Regulations filed on and after Dec. 31st, 1970 and before day R.R.O. 1970 in force to be revised and published

(a) the regulation as it appears in the Revised Regulations of Ontario, 1970 shall be deemed to be amended, remade or referred to correspondingly; and

(b) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1970 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

(2) Upon the publication of the regulations mentioned in subclause ii of clause b of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations Effect of publication R.S.O. 1960, c. 349

of Ontario, 1970 come into force and the regulations filed on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force are revoked on the day the Revised Regulations of Ontario, 1970 come into force.

1968-69,
c. 111, s. 5,
subs. 2,
re-enacted

2. Subsection 2 of section 5 of *The Regulations Revision Act, 1968-69*, is repealed and the following substituted therefor:

Idem

(2) On and after the day so proclaimed,

(a) all regulations contained in the Revised Regulations of Ontario, 1960; and

(b) all regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970,

are revoked.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Regulations Revision Amendment Act, 1970*.

An Act to amend
The Regulations Revision Act,
1968-69

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

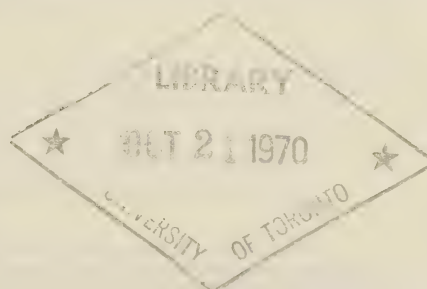
MR. WISNART

BILL 181

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Milk Act, 1965

MR. STEWART



EXPLANATORY NOTES

SECTION 1. The new subsection *2a* clarifies the authority of the Milk Commission of Ontario to order the payment of moneys in certain cases.

The new subsection *2b* provides for the enforcement of orders made under subsection *2a*.

SECTION 2. Subsection 1 of section 22 of the Act is re-enacted to extend its application to minimum prices for milk determined by the Ontario Milk Marketing Board and to provide that the amount of the penalty payable shall be reduced by the amount of any payment made under an order of the Commission.

An Act to amend The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Milk Act, 1965* is amended by adding thereto the following subsections: 1965, c. 72, s. 4, amended

(2a) The Commission may, upon any inquiry, investigation or arbitration under clause *a* or *b* of subsection 2, order the payment by any person engaged in producing, processing or marketing milk or milk products, to any other person engaged therein, of moneys, in an amount to be fixed by the Commission, that are payable to such other person by reason of a failure on the part of the person to whom the order is directed to fulfil any obligation imposed upon him by or under this Act or any regulation, plan, award or agreement or by any order or direction of the Commission or a marketing board. Order for payment of moneys to producers, etc.

(2b) The Commission may file a certified copy of any order made under subsection 2a, exclusive of any reasons therefor, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of order

2. Subsection 1 of section 22 of *The Milk Act, 1965* is repealed and the following substituted therefor: 1965, c. 72, s. 22, subs. 1, re-enacted

(1) Every person who fails to pay at least the minimum price established for a regulated product or for milk or cream in an agreement or award filed with the Commission or the price of a regulated product determined by a marketing board is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum Additional penalty for failure to pay minimum price

or determined price, less any amount paid by such person as payment in full or in part for such regulated product, milk or cream, and less any amount paid by such person for such regulated product, milk or cream pursuant to an order of the Commission under subsection 2a of section 4.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Milk Amendment Act, 1970*.

An Act to amend The Milk Act, 1965

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

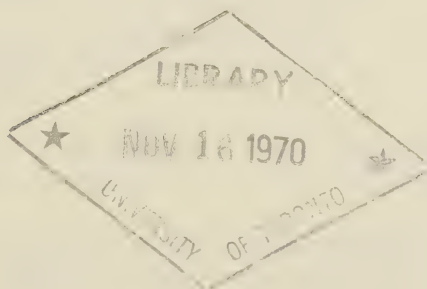
MR. STEWART

BILL 181

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Milk Act, 1965

MR. STEWART



BILL 181

1970

An Act to amend The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Milk Act, 1965* is amended by adding thereto the following subsections: 1965, c. 72,
s. 4,
amended

(2a) The Commission may, upon any inquiry, investigation or arbitration under clause *a* or *b* of subsection 2, order the payment by any person engaged in producing, processing or marketing milk or milk products, to any other person engaged therein, of moneys, in an amount to be fixed by the Commission, that are payable to such other person by reason of a failure on the part of the person to whom the order is directed to fulfil any obligation imposed upon him by or under this Act or any regulation, plan, award or agreement or by any order or direction of the Commission or a marketing board. Order for
payment
of moneys
to
producers,
etc.

(2b) The Commission may file a certified copy of any order made under subsection 2a, exclusive of any reasons therefor, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforce-
ment of
order

2. Subsection 1 of section 22 of *The Milk Act, 1965* is repealed and the following substituted therefor: 1965, c. 72,
s. 22, subs. 1,
re-enacted

(1) Every person who fails to pay at least the minimum price established for a regulated product or for milk or cream in an agreement or award filed with the Commission or the price of a regulated product determined by a marketing board is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum Additional
penalty
for failure
to pay
minimum
price

or determined price, less any amount paid by such person as payment in full or in part for such regulated product, milk or cream, and less any amount paid by such person for such regulated product, milk or cream pursuant to an order of the Commission under subsection 2a of section 4.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Milk Amendment Act, 1970*.

An Act to amend The Milk Act, 1965

1st Reading

October 6th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

MR. STEWART

BILL 182

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO



EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2—Subsection 1. The intent of the clause is clarified.

Subsection 2. The amended clause makes it clear that the objects of a society include assistance to the parents of a child who is about to be born out of wedlock.

SECTION 3. Complementary to section 4 of the Bill.

BILL 182

1970

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Child Welfare Act, 1965* is ^{1965, c. 14,} amended by striking out "Public Welfare" and inserting in ^{s. 1, cl. *e*,} amended lieu thereof "Social and Family Services".

2.—(1) Clause *d* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is amended by inserting after "assigned" ^{1965, c. 14,} ^{s. 6, subs. 2,} ^{cl. *d*,} amended in the first line "or committed".

(2) Clause *g* of subsection 2 of the said section 6 is repealed ^{1965, c. 14,} ^{s. 6, subs. 2,} ^{cl. *g*,} re-enacted and the following substituted therefor:

- (g) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

3.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting ^{1965, c. 14,} ^{s. 9, subs. 1,} ^{amended} after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows:

- (1) Subject to section 10, the estimate of expenditures of ^{Approval by} ^{council} a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures.

(2) Subsection 2 of the said section 9, as amended by sub- ^{1965, c. 14,} ^{s. 9, subs. 2,} ^{re-enacted} section 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor:

Submission
to
Minister

- (2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April and the Director shall recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by
Director

- (3) Where the Director makes a recommendation under subsection 2 that the amount of the estimate be varied, he shall give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval by
Minister

- (4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or may, subject to subsection 5, vary the amount of the estimate and approve the amount as so varied, provided that where the Director recommends that the estimate be approved as submitted, the Minister may approve the estimate as submitted forthwith after the making of the recommendation.

Notice by
Minister

- (5) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied, he shall give notice to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be, within ten days after the Director makes his recommendation under subsection 2.

1965, c. 14,
s. 11,
re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference
to child
welfare
review
committee

- 11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

- (2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with,

SECTION 4. The re-enacted section provides for the establishment of *ad hoc* child welfare review committees in cases of disagreement respecting a society's estimate of expenditures, composed of a chairman appointed by the Minister and one member appointed on behalf of the society and one member appointed by the municipality or the district child welfare budget board. The committee will inquire into the matters in dispute and make its findings to the Minister who will make the final determination.

- (a) a variation in the amount of the estimate as recommended by the Director for the approval of the Minister under subsection 2 of section 9; or
- (b) the amount of the estimate that the Minister intends to approve as varied under subsection 4 of section 9,

any one of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

- (3) Where the Minister receives a request under sub-^{Composition of committee}section 1 or 2, he shall forthwith,

(a) appoint one member to the child welfare review committee, who shall be the chairman thereof; and

(b) request by notice in writing that,

(i) one member be appointed to the committee by the Association of Children's Aid Societies, and

(ii) one member be appointed to the committee by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

- (4) When the members have been appointed under clause ^{Notice}*b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned.
- (5) Where a children's aid society has jurisdiction in more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities. ^{Joint appointment to committee}
- (6) Where a party who receives a notice to appoint a member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed, the Minister may, in the place of the party who failed to make the appointment, appoint the member to the committee. ^{Failure to appoint member}

- Procedure (7) The child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures and shall require the Director, and give full opportunity to the society, the municipality or district child welfare budget board and any other municipality in the area in which the society has jurisdiction, to present evidence and make submissions.
- Evidence (8) The child welfare review committee may receive such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.
- Findings of committee (9) The child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it deems necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned.
- Decision of Minister (10) The Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.
- Notice (11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after he receives the report and recommendations of the committee.
- 1965, c. 14,
s. 13,
re-enacted 5. Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:
- Capital grants 13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment of an amount of 25 per cent of,

SECTION 5. The re-enacted section will permit the payment of capital grants by instalments at the times and in the manner prescribed by the regulations.

SECTION 6—Subsection 1. The intent of the subclause is clarified.

Subsection 2. The definition of "judge" is brought into line with *The Provincial Courts Act, 1968*.

- (a) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or
- (b) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.

(2) Where the erection of a new building or an addition ^{Idem} to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed.

(3) Where the acquisition of an existing building by a ^{Idem} society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed.

(4) An amount payable to a children's aid society or a ^{Time and manner of payment} municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

6.—(1) Subclause i of clause b of subsection 1 of section 19 ^{1965, c. 14, s. 19, subs. 1, cl. b, subcl. i, amended} of *The Child Welfare Act, 1965* is amended by inserting after "or" in the second line "any child", so that the subclause shall read as follows:

- (i) a child who is an orphan and who is not being properly cared for, or any child who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part.

(2) Clause d of subsection 1 of the said section 19 is repealed and the following substituted therefor:

^{1965, c. 14, s. 19, subs. 1, cl. d, re-enacted}

(d) "judge" means a provincial judge presiding in a provincial court (Family Division).

1965, c. 14,
s. 19,
subs. 1,
cl. f,
re-enacted

(3) Clause f of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(f) "place of safety" means a receiving home or foster home or an institution for the care and protection of children, and includes a hospital.

1965, c. 14,
s. 19,
subs. 2,
re-enacted

(4) Subsection 2 of the said section 19 is repealed and the following substituted therefor:

By whom
cases are
to be
heard

(2) Applications under this Part shall be heard by a judge presiding in a provincial court (Family Division) established for the county or district in which the child was taken into protective custody.

1965, c. 14,
s. 19,
subs. 4,
amended

(5) Subsection 4 of the said section 19 is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the fifth line "unless the judge appoints any other person to be guardian *ad litem* for this purpose", so that the subsection shall read as follows:

Guardian
ad litem

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

1965, c. 14,
s. 19,
amended

(6) The said section 19 is amended by adding thereto the following subsection:

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 4.

1965, c. 14,
s. 23,
subs. 1,
amended

7. Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension" and by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Detention
limited

(1) A child detained in a place of safety under section 20 or clause a of subsection 1 of section 21 shall be

Subsection 3. The definition of "place of safety" is expanded and clarified.

Subsection 4. Complementary to subsection 2.

Subsection 5. The amendment makes it clear that the Official Guardian is guardian *ad litem* of the parent unless the judge appoints some other person.

Subsection 6. Self-explanatory.

SECTION 7. The amendment permits the return of a child to the person in whose charge he was at the time of apprehension where that person was not the parent of the child, and reduces the time for returning the child or bringing him before a judge from ten days to five.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. Complementary to subsection 3.

Subsection 3. The new subsection substitutes the Director for the municipality as the one to receive notice of an impending hearing under this section where the child is the child of an unmarried mother.

Subsection 4. Self-explanatory.

Subsection 5. The judge is empowered to dispense with service of notice of a hearing under this section under certain conditions; where notice is dispensed with, the child may not be made a Crown ward or a ward of a society for longer than thirty days, except after a further hearing.

returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within five days of his detention.

8.—(1) Subsection 3 of section 24 of *The Child Welfare Act*, 1965, c. 14, s. 24, subss. 3, amended 1965 is amended by striking out “Public Welfare” in the seventh line and inserting in lieu thereof “Social and Family Services”.

(2) Subsection 4 of the said section 24 is amended by adding at the commencement thereof “Subject to subsection 4a”, so that the subsection shall read as follows: 1965, c. 14, s. 24, subss. 4, amended

(4) Subject to subsection 4a, the judge shall not proceed Notice to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified.

(3) The said section 24 is amended by adding thereto the following subsection: 1965, c. 14, s. 24, amended

(4a) Where the child is a child of an unmarried mother, Idem the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care.

(4) Subsection 5 of the said section 24 is amended by striking out “Public Welfare” in the fifth line and inserting in lieu thereof “Social and Family Services”. 1965, c. 14, s. 24, subss. 5, amended

(5) The said section 24 is amended by adding thereto the following subsections: 1965, c. 14, s. 24, amended

(5a) Where in the opinion of the judge, Judge may dispense with notice

(a) prompt service of any notice required under subsection 4, 4a or 5 cannot be effected; and

(b) any delay might endanger the health or safety of the child,

the judge may dispense with the requirements of subsection 4, 4a or 5, as the case may be.

(5b) Where the requirements of subsection 4, 4a or 5 have been dispensed with, the judge shall not make an order committing the child as a ward of the Limitation where notice dispensed with

Crown or make an order committing the child for a period exceeding thirty days as a ward of a children's aid society, except after holding a further hearing to which the requirements of subsection 4, 4a or 5, as the case may be, apply.

1965, c. 14,
s. 24,
subs. 7,
repealed

(6) Subsection 7 of the said section 24 is repealed.

1965, c. 14,
s. 25, cl. a,
re-enacted

9. Clause a of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

- (a) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

.

1965, c. 14,
s. 30,
amended

10. Section 30 of *The Child Welfare Act, 1965* is amended by inserting after "25" in the seventh line "and may make such further order or terminate the existing order", so that the section shall read as follows:

Re-application
before
expiration
of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25 and may make such further order or terminate the existing order, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

1965, c. 14,
s. 31,
subs. 2,
repealed

11. Subsection 2 of section 31 of *The Child Welfare Act, 1965* is repealed.

1965, c. 14,
s. 34,
amended

12. Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination
of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge

Subsection 6. The repealed section is redundant by reason of *The Administration of Justice Act, 1968*.

SECTION 9. The re-enacted clause fixes the time during which a child returned to his parent or other person may be made subject to the supervision of a society without a new application being brought.

SECTION 10. The intent of the section is clarified.

;

SECTION 11. The repealed subsection required an application to terminate a Crown wardship be brought within twelve months after the ward was admitted to an institution under *The Mental Hospitals Act*.

SECTION 12. The amended section provides for the termination of wardship upon the marriage of the ward.

SECTION 13. The removal of a ward from a foster home or other place of safety without the consent of the children's aid society is specifically prohibited.

SECTION 14. The subsection presently makes it an offence to inflict unreasonable cruelty on a child; the adjective "unreasonable" is deleted.

SECTION 15. See note to subsection 2 of section 6 of the Bill.

SECTION 16—Subsection 1. Complementary to section 2 of the Bill.

may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

13. Clause *c* of subsection 1 of section 39 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14,
s. 39,
subs. 1,
cl. *c*,
re-enacted

(*c*) subject to section 28, visit, write to, telephone to, remove or attempt to remove from a foster home or place of safety or other place, or otherwise interfere with,

(i) a ward of the Crown or of a children's aid society,

(ii) the foster parents of a ward, or

(iii) a child lawfully detained under section 20 or subsection 1 of section 21,

without the consent in writing of the children's aid society under whose supervision the child is.

14. Subsection 1 of section 40 of *The Child Welfare Act, 1965* is amended by striking out "unreasonable" in the third line. 1965, c. 14,
s. 40,
subs. 1,
amended

15. Subsection 1 of section 48 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14,
s. 48,
subs. 1,
re-enacted

(1) In this Part, "judge" means a provincial judge presiding in a provincial court (Family Division). Interpre-
tation

16.—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after "wedlock" in the first line "or where it appears that a child is likely to be born out of wedlock", so that the subsection shall read as follows: 1965, c. 14,
s. 50,
subs. 1,
amended

(1) Where a child is born out of wedlock or where it appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 Agreement
for main-
tenance of
the child

of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

1965, c. 14,
s. 50,
subs. 5,
amended

(2) Subsection 5 of the said section 50 is amended by inserting after "society" in the seventh line "where it is incurring costs on behalf of the mother or the child", so that the subsection shall read as follows:

Default
under
agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society, where it is incurring costs on behalf of the mother or the child, shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

1965, c. 14,
s. 50,
amended

(3) The said section 50 is amended by adding thereto the following subsection:

Variation
or rescission
of agree-
ment

(6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(a) vary any amount of money payable thereunder; or

(b) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

1965, c. 14,
s. 51,
re-enacted

17. Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Application
for
affiliation
order

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(a) by the mother of a child born or likely to be born out of wedlock;

Subsection 2. Only where a society is incurring costs is it made mandatory that a society make an application under this subsection to enforce a maintenance agreement made by a putative father.

Subsection 3. The new subsection provides for the variation or rescission by a judge of an agreement for the maintenance of a child on the application of one of the parties to the agreement.

SECTION 17. The re-enacted section deals with applications for affiliation orders and makes it clear that an application may not be brought where an agreement for the maintenance of a child has been entered into and the putative father is not in default.

SECTION 18—Subsection 1. The intent of the section is clarified.

Subsection 2. **Self-explanatory.**

SECTION 19. Appeal procedures are set out.

- (b) by the next friend or guardian of a child born out of wedlock;
- (c) by a society; or
- (d) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

18.—(1) Subsection 1 of section 52 of *The Child Welfare Act, 1965* is amended by striking out “or any other person appointed by the judge” in the third and fourth lines and by inserting after “court” in the sixth line “unless the judge appoints any other person to be the guardian *ad litem* for this purpose”, so that the subsection shall read as follows:

- (1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be the guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

(2) The said section 52 is amended by adding thereto the following subsection:

- (1a) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

19. Section 64 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections:

- (1a) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision.
- (1b) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (1c) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

1965, c. 14,
s. 70,
subs. 4,
re-enacted

20. Subsection 4 of section 70 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Guardian
ad litem

- (4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, other than a child who has been placed for adoption by a children's aid society, the court shall appoint a guardian *ad litem* of the child and a guardian *ad litem* of any parent of the child who is under twenty-one years of age and who is a party to the proceedings.

Idem

- (5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

1965, c. 14,
s. 73,
subs. 4,
amended

21.—(1) Subsection 4 of section 73 of *The Child Welfare Act, 1965* is amended by striking out “who is twenty-one or more years of age or who is under twenty-one years of age and has been married” in the first, second and third lines and by adding at the end thereof “provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate”, so that the subsection shall read as follows:

Idem,
child and
where
married,
spouse of
child

- (4) An order for the adoption of a child shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse, provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate.

1965, c. 14,
s. 73,
subs. 5,
amended

(2) Subsection 5 of the said section 73 is amended by inserting after “court” in the second line “upon application by the applicant for the adoption”, so that the subsection shall read as follows:

Where
consent
not given

- (5) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

SECTION 20. Presently, the power of the court to appoint a guardian *ad litem* in adoption proceedings is discretionary; it will now be mandatory to appoint such a guardian both for a child under twenty-one years and for any parent under twenty-one.

SECTION 21—Subsection 1. The consent of a child to an order for his adoption will be required where the child is under as well as over twenty-one years of age, unless such consent is dispensed with by the court having regard to all the circumstances of the case.

Subsection 2. Complementary to subsection 3.

Subsection 3. Where application is made to dispense with a consent, notice must be given or every reasonable effort made to give notice to the person whose consent will be dispensed with. A consent is not invalid by reason only of the infancy of the person giving it.

SECTION 22. Self-explanatory.

SECTION 23. The effect of an adoption order on the relationship of the parties affected is restated and clarified and follows the recommendations of The Conference of Commissioners on Uniformity of Legislation in Canada.

(3) The said section 73 is amended by adding thereto the following subsections: 1965, c. 14, s. 73, amended

(5a) The court shall not dispense with a consent required under this section, except a consent required under subsection 4, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that every reasonable effort has been made, in the opinion of the court, to cause such person to be notified. Notice

(7) No consent required by this section is invalid by reason only of the fact that the person giving it is under twenty-one years of age. Consent not invalid by reason of age

22. *The Child Welfare Act, 1965* is amended by adding thereto the following section: 1965, c. 14, amended

75a. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. Procedure on application

23. Sections 82 and 83 of *The Child Welfare Act, 1965* are repealed and the following substituted therefor: 1965, c. 14, ss. 82, 83, re-enacted

82.—(1) For all purposes, as of the date of the making of an adoption order, Status of adopted child

(a) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(b) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. Application of subs. 1 to relationship of persons

Application
of section

- (3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect any interest in property or right that has vested before the commencement of this section.

Exception

- (4) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed.

References
in will or
other
document

83. In any will or other document, whether heretofore or hereafter made, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.

Effect of
adoptions
under other
laws

- 83a. An adoption effected according to the law of any other province or territory of Canada or of any other country, or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act.

1965, c. 14,
s. 87,
amended

- 24.** Section 87 of *The Child Welfare Act, 1965*, as amended by section 5 of *The Child Welfare Amendment Act, 1966*, is further amended by adding thereto the following clause:

(hc) prescribing the times and manner of payment of capital grants under section 13.

Commence-
ment

- 25.** This Act comes into force on the day it receives Royal Assent.

Short title

- 26.** This Act may be cited as *The Child Welfare Amendment Act, 1970*.

SECTION 24. Complementary to section 5 of the Bill.

An Act to amend
The Child Welfare Act, 1965

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

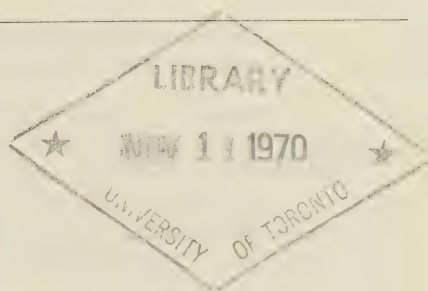
MR. YAREMIKO

BILL 182

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2—Subsection 1. The intent of the clause is clarified.

Subsection 2. The amended clause makes it clear that the objects of a society include assistance to the parents of a child who is about to be born out of wedlock.

SECTION 3. Complementary to section 4 of the Bill.

BILL 182

1970

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Child Welfare Act, 1965* is ^{1965, c. 14, s. 1, cl. *e*, amended} amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services".

2.—(1) Clause *d* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is amended by inserting after "assigned", ^{1965, c. 14, s. 6, subs. 2, cl. *d*, amended} in the first line "or committed".

(2) Clause *g* of subsection 2 of the said section 6 is repealed ^{1965, c. 14, s. 6, subs. 2, cl. *g*, re-enacted} and the following substituted therefor:

- (g) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

3.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows:

- (1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures. ^{Approval by council}

(2) Subsection 2 of the said section 9, as amended by sub- ^{1965, c. 14, s. 9, subs. 2, re-enacted} section 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor:

Submission
to
Minister

- (2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April and the Director shall within ten days after the estimate has been submitted to the Minister, recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by
Director

- (3) Where the Director makes a recommendation under subsection 2 that the amount of the estimate be varied, he shall give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval by
Minister

- (4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or may, subject to subsection 5, vary the amount of the estimate and approve the amount as so varied, provided that where the Director recommends that the estimate be approved as submitted, the Minister may approve the estimate as submitted forthwith after the making of the recommendation.

Notice by
Minister

- (5) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied, he shall give notice to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be, within ten days after the Director makes his recommendation under subsection 2.

1965, c. 14,
s. 11,
re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference
to child
welfare
review
committee

- 11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

- (2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with,

SECTION 4. The re-enacted section provides for the establishment of *ad hoc* child welfare review committees in cases of disagreement respecting a society's estimate of expenditures, composed of a chairman appointed by the Minister and one member appointed on behalf of the society and one member appointed by the municipality or the district child welfare budget board. The committee will inquire into the matters in dispute and make its findings to the Minister who will make the final determination.

- (a) a variation in the amount of the estimate as recommended by the Director for the approval of the Minister under subsection 2 of section 9; or
- (b) the amount of the estimate that the Minister intends to approve as varied under subsection 4 of section 9,

any one of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

- (3) Where the Minister receives a request under subsection 1 or 2, he shall forthwith, Composition
of
committee

- (a) appoint one member to the child welfare review committee, who shall be the chairman thereof; and

- (b) request by notice in writing that,

- (i) one member be appointed to the committee by the Association of Children's Aid Societies, and

- (ii) one member be appointed to the committee by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

- (4) When the members have been appointed under clause *b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned. Notice

- (5) Where a children's aid society has jurisdiction in more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities. Joint
appoint-
ment to
committee

- (6) Where a party who receives a notice to appoint a member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed, the Minister shall, in the place of the party who failed to make the appointment, forthwith appoint the member to the committee. Failure to
appoint
member

Procedure

- (7) The child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures and shall require the Director, and give full opportunity to the society, the municipality or district child welfare budget board and any other municipality in the area in which the society has jurisdiction, to present evidence and make submissions.

Evidence

- (8) The child welfare review committee may receive such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.

Findings of committee

- (9) The child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it deems necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned.

Decision of Minister

- (10) The Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.

Notice

- (11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after he receives the report and recommendations of the committee.

1965, c. 14,
s. 13,
re-enacted

5. Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Capital grants

- 13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment of an amount of 25 per cent of,

SECTION 5. The re-enacted section will permit the payment of capital grants by instalments at the times and in the manner prescribed by the regulations.

SECTION 6—Subsection 1. The intent of the subclause is clarified.

Subsection 2. The definition of “judge” is brought into line with *The Provincial Courts Act, 1968*.

(a) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or

(b) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.

(2) Where the erection of a new building or an addition ^{Idem} to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed.

(3) Where the acquisition of an existing building by a ^{Idem} society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed.

(4) An amount payable to a children's aid society or a ^{Time and manner of payment} municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

6.—(1) Subclause i of clause b of subsection 1 of section 19 ^{1965, c. 14, s. 19, subs. 1, cl. b, subcl. 1, amended} of *The Child Welfare Act, 1965* is amended by inserting after "or" in the second line "any child", so that the subclause shall read as follows:

(i) a child who is an orphan and who is not being properly cared for, or any child who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part.

(2) Clause d of subsection 1 of the said section 19 is ^{1965, c. 14, s. 19, subs. 1, cl. d, re-enacted} repealed and the following substituted therefor:

(d) "judge" means a provincial judge presiding in a provincial court (Family Division).

1965, c. 14,
s. 19,
subs. 1,
cl. f,
re-enacted

(3) Clause *f* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(f) "place of safety" means a receiving home or foster home or an institution for the care and protection of children, and includes a hospital.

1965, c. 14,
s. 19,
subs. 2,
re-enacted

(4) Subsection 2 of the said section 19 is repealed and the following substituted therefor:

By whom
cases are
to be
heard

(2) Applications under this Part shall be heard by a judge presiding in a provincial court (Family Division) established for the county or district in which the child was taken into protective custody.

1965, c. 14,
s. 19,
subs. 4,
amended

(5) Subsection 4 of the said section 19 is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the fifth line "unless the judge appoints any other person to be guardian *ad litem* for this purpose", so that the subsection shall read as follows:

Guardian
ad litem

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

1965, c. 14,
s. 19,
amended

(6) The said section 19 is amended by adding thereto the following subsection:

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 4.

1965, c. 14,
s. 23,
subs. 1,
amended

7. Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension" and by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Detention
limited

(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be

Subsection 3. The definition of "place of safety" is expanded and clarified.

Subsection 4. Complementary to subsection 2.

Subsection 5. The amendment makes it clear that the Official Guardian is guardian *ad litem* of the parent unless the judge appoints some other person.

Subsection 6. Self-explanatory.

SECTION 7. The amendment permits the return of a child to the person in whose charge he was at the time of apprehension where that person was not the parent of the child, and reduces the time for returning the child or bringing him before a judge from ten days to five.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. Complementary to subsection 3.

Subsection 3. The new subsection substitutes the Director for the municipality as the one to receive notice of an impending hearing under this section where the child is the child of an unmarried mother.

Subsection 4. Self-explanatory.

Subsection 5. The judge is empowered to dispense with service of notice of a hearing under this section under certain conditions; where notice is dispensed with, the child may not be made a Crown ward or a ward of a society for longer than thirty days, except after a further hearing.

returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within five days of his detention.

8.—(1) Subsection 3 of section 24 of *The Child Welfare Act*, 1965, c. 14, s. 24, subs. 3, amended 1965 is amended by striking out “Public Welfare” in the seventh line and inserting in lieu thereof “Social and Family Services”.

(2) Subsection 4 of the said section 24 is amended by 1965, c. 14, s. 24, subs. 4, amended adding at the commencement thereof “Subject to subsection 4a”, so that the subsection shall read as follows:

(4) Subject to subsection 4a, the judge shall not proceed Notice to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified.

(3) The said section 24 is amended by adding thereto the 1965, c. 14, s. 24, amended following subsection:

(4a) Where the child is a child of an unmarried mother, Idem the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care.

(4) Subsection 5 of the said section 24 is amended by 1965, c. 14, s. 24, subs. 5, amended striking out “Public Welfare” in the fifth line and inserting in lieu thereof “Social and Family Services”.

(5) The said section 24 is amended by adding thereto the 1965, c. 14, s. 24, amended following subsections:

(5a) Where in the opinion of the judge, Judge may dispense with notice

(a) prompt service of any notice required under subsection 4, 4a or 5 cannot be effected; and

(b) any delay might endanger the health or safety of the child,

the judge may dispense with the requirements of subsection 4, 4a or 5, as the case may be.

(5b) Where the requirements of subsection 4, 4a or 5 Limitation where notice dispensed with have been dispensed with, the judge shall not make an order committing the child as a ward of the

Crown or make an order committing the child for a period exceeding thirty days as a ward of a children's aid society, except after holding a further hearing to which the requirements of subsection 4, 4a or 5, as the case may be, apply.

1965, c. 14,
s. 24,
subs. 7,
repealed

(6) Subsection 7 of the said section 24 is repealed.

1965, c. 14,
s. 25, cl. a,
re-enacted

9. Clause *a* of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

- (a) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

1965, c. 14,
s. 30,
amended

10. Section 30 of *The Child Welfare Act, 1965* is amended by inserting after "25" in the seventh line "and may make such further order or terminate the existing order", so that the section shall read as follows:

Re-
application
before
expiration
of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25 and may make such further order or terminate the existing order, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

1965, c. 14,
s. 31,
subs. 2,
repealed

11. Subsection 2 of section 31 of *The Child Welfare Act, 1965* is repealed.

1965, c. 14,
s. 34,
amended

12. Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination
of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval³ of the Director, a judge

Subsection 6. The repealed section is redundant by reason of *The Administration of Justice Act, 1968*.

SECTION 9. The re-enacted clause fixes the time during which a child returned to his parent or other person may be made subject to the supervision of a society without a new application being brought.

SECTION 10. The intent of the section is clarified.

SECTION 11. The repealed subsection required an application to terminate a Crown wardship be brought within twelve months after the ward was admitted to an institution under *The Mental Hospitals Act*.

SECTION 12. The amended section provides for the termination of wardship upon the marriage of the ward.

SECTION 13. The removal of a ward from a foster home or other place of safety without the consent of the children's aid society is specifically prohibited.

SECTION 14. The subsection presently makes it an offence to inflict unreasonable cruelty on a child; the adjective "unreasonable" is deleted.

SECTION 15. See note to subsection 2 of section 6 of the Bill.

SECTION 16—Subsection 1. Complementary to section 2 of the Bill.

may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

13. Clause *c* of subsection 1 of section 39 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14,
s. 39,
subs. 1,
cl. *c*,
re-enacted

(*c*) subject to section 28, visit, write to, telephone to, remove or attempt to remove from a foster home or place of safety or other place, or otherwise interfere with,

(i) a ward of the Crown or of a children's aid society,

(ii) the foster parents of a ward, or

(iii) a child lawfully detained under section 20 or subsection 1 of section 21,

without the consent in writing of the children's aid society under whose supervision the child is.

14. Subsection 1 of section 40 of *The Child Welfare Act, 1965* is amended by striking out "unreasonable" in the third line. 1965, c. 14,
s. 40,
subs. 1,
amended

15. Subsection 1 of section 48 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14,
s. 48,
subs. 1,
re-enacted

(1) In this Part, "judge" means a provincial judge Interpre-
tation presiding in a provincial court (Family Division).

16.—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after "wedlock" in the first line "or where it appears that a child is likely to be born out of wedlock", so that the subsection shall read as follows: 1965, c. 14,
s. 50,
subs. 1,
amended

(1) Where a child is born out of wedlock or where it Agreement
for main-
tenance of
the child appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1

of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

1965, c. 14,
s. 50,
subs. 5,
amended

(2) Subsection 5 of the said section 50 is amended by inserting after "society" in the seventh line "where it is incurring costs on behalf of the mother or the child", so that the subsection shall read as follows:

Default
under
agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society, where it is incurring costs on behalf of the mother or the child, shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

1965, c. 14,
s. 50,
amended

(3) The said section 50 is amended by adding thereto the following subsection:

Variation
or rescission
of agree-
ment

(6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(a) vary any amount of money payable thereunder; or

(b) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

1965, c. 14,
s. 51,
re-enacted

17. Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Application
for
affiliation
order

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(a) by the mother of a child born or likely to be born out of wedlock;

Subsection 2. Only where a society is incurring costs is it made mandatory that a society make an application under this subsection to enforce a maintenance agreement made by a putative father.

Subsection 3. The new subsection provides for the variation or rescission by a judge of an agreement for the maintenance of a child on the application of one of the parties to the agreement.

SECTION 17. The re-enacted section deals with applications for affiliation orders and makes it clear that an application may not be brought where an agreement for the maintenance of a child has been entered into and the putative father is not in default.

SECTION 18—Subsection 1. The intent of the section is clarified.

Subsection 2. Self-explanatory.

SECTION 19. Appeal procedures are set out.

- (b) by the next friend or guardian of a child born out of wedlock;
- (c) by a society; or
- (d) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

18.—(1) Subsection 1 of section 52 of *The Child Welfare Act, 1965* is amended by striking out “or any other person appointed by the judge” in the third and fourth lines and by inserting after “court” in the sixth line “unless the judge appoints any other person to be the guardian *ad litem* for this purpose”, so that the subsection shall read as follows:

- (1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be the guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

(2) The said section 52 is amended by adding thereto the following subsection:

- (1a) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

19. Section 64 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections:

- (1a) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision.
- (1b) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (1c) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

1965, c. 14,
s. 70,
subs. 4,
re-enacted

20. Subsection 4 of section 70 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Guardian
ad litem

- (4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, other than a child who has been placed for adoption by a children's aid society, the court shall appoint a guardian *ad litem* of the child and a guardian *ad litem* of any parent of the child who is under twenty-one years of age and who is a party to the proceedings.

Idem

- (5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

1965, c. 14,
s. 73,
subs. 4,
amended

21.—(1) Subsection 4 of section 73 of *The Child Welfare Act, 1965* is amended by striking out "who is twenty-one or more years of age or who is under twenty-one years of age and has been married" in the first, second and third lines and by adding at the end thereof "provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate", so that the subsection shall read as follows:

Idem,
child and
where
married,
spouse of
child

- (4) An order for the adoption of a child shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse, provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate.

1965, c. 14,
s. 73,
subs. 5,
amended

(2) Subsection 5 of the said section 73 is amended by inserting after "court" in the second line "upon application by the applicant for the adoption", so that the subsection shall read as follows:

Where
consent
not given

- (5) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

SECTION 20. Presently, the power of the court to appoint a guardian *ad litem* in adoption proceedings is discretionary; it will now be mandatory to appoint such a guardian both for a child under twenty-one years and for any parent under twenty-one.

SECTION 21—Subsection 1. The consent of a child to an order for his adoption will be required where the child is under as well as over twenty-one years of age, unless such consent is dispensed with by the court having regard to all the circumstances of the case.

Subsection 2. Complementary to subsection 3.

Subsection 3. Where application is made to dispense with a consent, notice must be given or every reasonable effort made to give notice to the person whose consent will be dispensed with. A consent is not invalid by reason only of the infancy of the person giving it.

SECTION 22. Self-explanatory.

SECTION 23. The effect of an adoption order on the relationship of the parties affected is restated and clarified and follows the recommendations of The Conference of Commissioners on Uniformity of Legislation in Canada.

(3) The said section 73 is amended by adding thereto the following subsections: 1965, c. 14, s. 73, amended

(5a) The court shall not dispense with a consent required under this section, except a consent required under subsection 4, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that every reasonable effort has been made, in the opinion of the court, to cause such person to be notified. Notice

(7) No consent required by this section is invalid by reason only of the fact that the person giving it is under twenty-one years of age. Consent not invalid by reason of age

22. *The Child Welfare Act, 1965* is amended by adding thereto the following section: 1965, c. 14, amended

75a. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. Procedure on application

23. Sections 82 and 83 of *The Child Welfare Act, 1965* are repealed and the following substituted therefor: 1965, c. 14, ss. 82, 83, re-enacted

82.—(1) For all purposes, as of the date of the making of an adoption order, Status of adopted child

(a) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(b) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. Application of subs. 1 to relationship of persons

Application of section	(3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect any interest in property or right that has vested before the commencement of this section.
Exception	(4) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed.
References in will or other document	83. In any will or other document, whether heretofore or hereafter made, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.
Effect of adoptions under other laws	83a. An adoption effected according to the law of any other province or territory of Canada or of any other country, or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act.
1965, c. 14, s. 87, amended	24. Section 87 of <i>The Child Welfare Act, 1965</i> , as amended by section 5 of <i>The Child Welfare Amendment Act, 1966</i> , is further amended by adding thereto the following clause: (hc) prescribing the times and manner of payment of capital grants under section 13.
Commencement	25. This Act comes into force on the day it receives Royal Assent.
Short title	26. This Act may be cited as <i>The Child Welfare Amendment Act, 1970</i> .

SECTION 24. Complementary to section 5 of the Bill;

An Act to amend
The Child Welfare Act, 1965

1st Reading

October 7th, 1970

2nd Reading

October 21st, 1970

3rd Reading

MR. YAREMKO

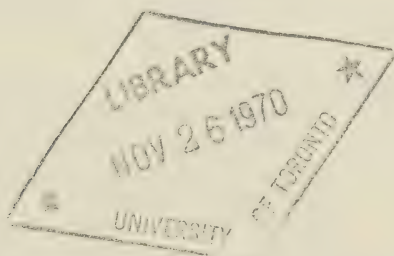
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 182

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO



BILL 182

1970

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Child Welfare Act, 1965* is ^{1965, c. 14, s. 1, cl. *e*, amended} amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services".

2.—(1) Clause *d* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is amended by inserting after "assigned" ^{1965, c. 14, s. 6, subs. 2, cl. *d*, amended} in the first line "or committed".

(2) Clause *g* of subsection 2 of the said section 6 is repealed and the following substituted therefor: ^{1965, c. 14, s. 6, subs. 2, cl. *g*, re-enacted}

- (g) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

3.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows: ^{1965, c. 14, s. 9, subs. 1, amended}

- (1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures. ^{Approval by council}

(2) Subsection 2 of the said section 9, as amended by subsection 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor: ^{1965, c. 14, s. 9, subs. 2, re-enacted}

Submission
to
Minister

- (2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April and the Director shall within ten days after the estimate has been submitted to the Minister, recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by
Director

- (3) Where the Director makes a recommendation under subsection 2 that the amount of the estimate be varied, he shall give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval by
Minister

- (4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or may, subject to subsection 5, vary the amount of the estimate and approve the amount as so varied, provided that where the Director recommends that the estimate be approved as submitted, the Minister may approve the estimate as submitted forthwith after the making of the recommendation.

Notice by
Minister

- (5) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied, he shall give notice to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be, within ten days after the Director makes his recommendation under subsection 2.

1965, c. 14,
s. 11,
re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference
to child
welfare
review
committee

- 11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

- (2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with,

- (a) a variation in the amount of the estimate as recommended by the Director for the approval of the Minister under subsection 2 of section 9; or
- (b) the amount of the estimate that the Minister intends to approve as varied under subsection 4 of section 9,

any one of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

- (3) Where the Minister receives a request under sub-^{Composition of committee}section 1 or 2, he shall forthwith,

- (a) appoint one member to the child welfare review committee, who shall be the chairman thereof; and
- (b) request by notice in writing that,
 - (i) one member be appointed to the committee by the Association of Children's Aid Societies, and
 - (ii) one member be appointed to the committee by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

- (4) When the members have been appointed under clause ^{Notice}*b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned.

- (5) Where a children's aid society has jurisdiction in ^{Joint appointment to committee}more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities.

- (6) Where a party who receives a notice to appoint a ^{Failure to appoint member}member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed, the Minister shall, in the place of the party who failed to make the appointment, forthwith appoint the member to the committee.

Procedure

- (7) The child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures and shall require the Director, and give full opportunity to the society, the municipality or district child welfare budget board and any other municipality in the area in which the society has jurisdiction, to present evidence and make submissions.

Evidence

- (8) The child welfare review committee may receive such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.

Findings of committee

- (9) The child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it deems necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned.

Decision of Minister

- (10) The Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.

Notice

- (11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after he receives the report and recommendations of the committee.

1965, c. 14,
s. 13,
re-enacted

5. Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Capital grants

- 13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment of an amount of 25 per cent of,

- (a) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or
 - (b) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.
- (2) Where the erection of a new building or an addition ^{Idem} to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed.
- (3) Where the acquisition of an existing building by a ^{Idem} society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed.
- (4) An amount payable to a children's aid society or a ^{Time and manner of payment} municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

6.—(1) Subclause i of clause b of subsection 1 of section 19 ^{1965, c. 14, s. 19, subs. 1, cl. b, subcl. i, amended} of *The Child Welfare Act*, 1965 is amended by inserting after "or" in the second line "any child", so that the subclause shall read as follows:

- (i) a child who is an orphan and who is not being properly cared for, or any child who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part.

(2) Clause d of subsection 1 of the said section 19 is re- ^{1965, c. 14, s. 19, subs. 1, cl. d, re-enacted} pealed and the following substituted therefor:

(d) "judge" means a provincial judge presiding in a provincial court (Family Division).

1965, c. 14,
s. 19,
subs. 1,
cl. f,
re-enacted

(3) Clause f of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(f) "place of safety" means a receiving home or foster home or an institution for the care and protection of children, and includes a hospital.

1965, c. 14,
s. 19,
subs. 2,
re-enacted

(4) Subsection 2 of the said section 19 is repealed and the following substituted therefor:

By whom
cases are
to be
heard

(2) Applications under this Part shall be heard by a judge presiding in a provincial court (Family Division) established for the county or district in which the child was taken into protective custody.

1965, c. 14,
s. 19,
subs. 4,
amended

(5) Subsection 4 of the said section 19 is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the fifth line "unless the judge appoints any other person to be guardian *ad litem* for this purpose", so that the subsection shall read as follows:

Guardian
ad litem

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

1965, c. 14,
s. 19,
amended

(6) The said section 19 is amended by adding thereto the following subsection:

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 4.

1965, c. 14,
s. 23,
subs. 1,
amended

7. Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension" and by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Detention
limited

(1) A child detained in a place of safety under section 20 or clause a of subsection 1 of section 21 shall be

returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within five days of his detention.

8.—(1) Subsection 3 of section 24 of *The Child Welfare Act, 1965* is amended by striking out “Public Welfare” in the seventh line and inserting in lieu thereof “Social and Family Services”. 1965, c. 14, s. 24, subs. 3, amended

(2) Subsection 4 of the said section 24 is amended by adding at the commencement thereof “Subject to subsection 4a”, so that the subsection shall read as follows: 1965, c. 14, s. 24, subs. 4, amended

(4) Subject to subsection 4a, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(3) The said section 24 is amended by adding thereto the following subsection: 1965, c. 14, s. 24, amended

(4a) Where the child is a child of an unmarried mother, the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care. Idem

(4) Subsection 5 of the said section 24 is amended by striking out “Public Welfare” in the fifth line and inserting in lieu thereof “Social and Family Services”. 1965, c. 14, s. 24, subs. 5, amended

(5) The said section 24 is amended by adding thereto the following subsections: 1965, c. 14, s. 24, amended

(5a) Where in the opinion of the judge, Judge may dispense with notice

(a) prompt service of any notice required under subsection 4, 4a or 5 cannot be effected; and

(b) any delay might endanger the health or safety of the child,

the judge may dispense with the requirements of subsection 4, 4a or 5, as the case may be.

(5b) Where the requirements of subsection 4, 4a or 5 have been dispensed with, the judge shall not make an order committing the child as a ward of the Limitation where notice dispensed with

Crown or make an order committing the child for a period exceeding thirty days as a ward of a children's aid society, except after holding a further hearing to which the requirements of subsection 4, 4a or 5, as the case may be, apply.

1965, c. 14,
s. 24,
subs. 7,
repealed

(6) Subsection 7 of the said section 24 is repealed.

1965, c. 14,
s. 25, cl. a,
re-enacted

9. Clause a of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

- (a) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

1965, c. 14,
s. 30,
amended

10. Section 30 of *The Child Welfare Act, 1965* is amended by inserting after "25" in the seventh line "and may make such further order or terminate the existing order", so that the section shall read as follows:

Re-
application
before
expiration
of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25 and may make such further order or terminate the existing order, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

1965, c. 14,
s. 31,
subs. 2,
repealed

11. Subsection 2 of section 31 of *The Child Welfare Act, 1965* is repealed.

1965, c. 14,
s. 34,
amended

12. Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination
of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge

may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

13. Clause *c* of subsection 1 of section 39 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 39, subs. 1, cl. c, re-enacted

(c) subject to section 28, visit, write to, telephone to, remove or attempt to remove from a foster home or place of safety or other place, or otherwise interfere with,

(i) a ward of the Crown or of a children's aid society,

(ii) the foster parents of a ward, or

(iii) a child lawfully detained under section 20 or subsection 1 of section 21,

without the consent in writing of the children's aid society under whose supervision the child is.

14. Subsection 1 of section 40 of *The Child Welfare Act, 1965* is amended by striking out "unreasonable" in the third line. 1965, c. 14, s. 40, subs. 1, amended

15. Subsection 1 of section 48 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 48, subs. 1, re-enacted

(1) In this Part, "judge" means a provincial judge presiding in a provincial court (Family Division). Interpretation

16.—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after "wedlock" in the first line "or where it appears that a child is likely to be born out of wedlock", so that the subsection shall read as follows: 1965, c. 14, s. 50, subs. 1, amended

(1) Where a child is born out of wedlock or where it appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 Agreement for maintenance of the child

of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

1965, c. 14,
s. 50,
subs. 5,
amended

(2) Subsection 5 of the said section 50 is amended by inserting after "society" in the seventh line "where it is incurring costs on behalf of the mother or the child", so that the subsection shall read as follows:

Default
under
agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society, where it is incurring costs on behalf of the mother or the child, shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

1965, c. 14,
s. 50,
amended

(3) The said section 50 is amended by adding thereto the following subsection:

Variation
or rescission
of agree-
ment

(6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(a) vary any amount of money payable thereunder; or

(b) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

1965, c. 14,
s. 51,
re-enacted

17. Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Application
for
affiliation
order

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(a) by the mother of a child born or likely to be born out of wedlock;

- (b) by the next friend or guardian of a child born out of wedlock;
- (c) by a society; or
- (d) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

18.—(1) Subsection 1 of section 52 of *The Child Welfare Act, 1965* is amended by striking out “or any other person appointed by the judge” in the third and fourth lines and by inserting after “court” in the sixth line “unless the judge appoints any other person to be the guardian *ad litem* for this purpose”, so that the subsection shall read as follows:

- (1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be the guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

(2) The said section 52 is amended by adding thereto the following subsection:

- (1a) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

19. Section 64 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections:

- (1a) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision.
- (1b) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (1c) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

1965, c. 14,
s. 70,
subs. 4,
re-enacted

20. Subsection 4 of section 70 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Guardian
ad litem

- (4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, other than a child who has been placed for adoption by a children's aid society, the court shall appoint a guardian *ad litem* of the child and a guardian *ad litem* of any parent of the child who is under twenty-one years of age and who is a party to the proceedings.

Idem

- (5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

1965, c. 14,
s. 73,
subs. 4,
amended

21.—(1) Subsection 4 of section 73 of *The Child Welfare Act, 1965* is amended by striking out "who is twenty-one or more years of age or who is under twenty-one years of age and has been married" in the first, second and third lines and by adding at the end thereof "provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate", so that the subsection shall read as follows:

Idem,
child and
where
married,
spouse of
child

- (4) An order for the adoption of a child shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse, provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate.

1965, c. 14,
s. 73,
subs. 5,
amended

(2) Subsection 5 of the said section 73 is amended by inserting after "court" in the second line "upon application by the applicant for the adoption", so that the subsection shall read as follows:

Where
consent
not given

- (5) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

(3) The said section 73 is amended by adding thereto the following subsections: 1965, c. 14, s. 73, amended

(5a) The court shall not dispense with a consent required under this section, except a consent required under subsection 4, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that every reasonable effort has been made, in the opinion of the court, to cause such person to be notified. Notice

.

(7) No consent required by this section is invalid by reason only of the fact that the person giving it is under twenty-one years of age. Consent not invalid by reason of age

22. *The Child Welfare Act, 1965* is amended by adding thereto the following section: 1965, c. 14, amended

75a. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. Procedure on application

23. Sections 82 and 83 of *The Child Welfare Act, 1965* are repealed and the following substituted therefor: 1965, c. 14, ss. 82, 83, re-enacted

82.—(1) For all purposes, as of the date of the making of an adoption order, Status of adopted child

(a) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(b) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. Application of subs. 1 to relationship of persons

Application of section	(3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect any interest in property or right that has vested before the commencement of this section.
Exception	(4) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed.
References in will or other document	83. In any will or other document, whether heretofore or hereafter made, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.
Effect of adoptions under other laws	83a. An adoption effected according to the law of any other province or territory of Canada or of any other country, or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act.
1965, c. 14, s. 87, amended	24. Section 87 of <i>The Child Welfare Act, 1965</i> , as amended by section 5 of <i>The Child Welfare Amendment Act, 1966</i> , is further amended by adding thereto the following clause: (hc) prescribing the times and manner of payment of capital grants under section 13.
Commencement	25. This Act comes into force on the day it receives Royal Assent.
Short title	26. This Act may be cited as <i>The Child Welfare Amendment Act, 1970</i> .

An Act to amend
The Child Welfare Act, 1965

1st Reading

October 7th, 1970

2nd Reading

October 21st, 1970

3rd Reading

October 28th, 1970

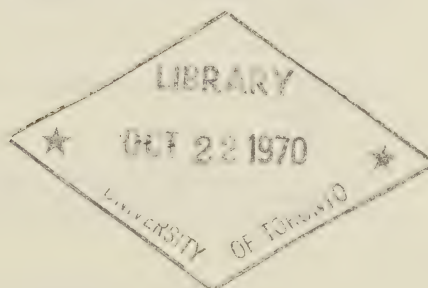
MR. YAREMKO

BILL 183

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART



EXPLANATORY NOTES

SECTIONS 1, 2 and 3. A Divisional Court is established as a branch of the High Court. The court would sit with three judges presiding and hear,

1. all appeals under any statute now referred to the High Court or Court of Appeal. This includes appeals from administrative tribunals and from surrogate courts and division courts but not appeals from county courts;
2. applications for the extraordinary remedies;
3. all appeals from High Court judges respecting interlocutory decisions and from orders granting the extraordinary remedies;
4. all appeals by way of stated case now referred to the High Court or Court of Appeal;
5. appeals from the Master.

The Divisional Court is authorized to sit in Toronto, Ottawa, London, Sudbury, Sault Ste. Marie and Thunder Bay.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Judicature Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 197, s. 1,
amended

(ga) "Divisional Court" means the Divisional Court of the High Court.

2. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960,
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5a. There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the High Court as may be designated by him from time to time. Divisional
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3. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960,
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14a.—(1) The Divisional Court has jurisdiction to hear, determine and dispose of, Jurisdiction
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(a) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*; R.S.O. 1960,
c. 76

(b) applications by way of prohibition, mandamus and certiorari;

(c) all appeals from orders or decisions of judges of the High Court in regard to prohibition, mandamus or certiorari;

(d) all appeals from judgments, orders or decisions of a judge of the High Court or a judge of the Divisional Court in regard to matters of practice or procedure that do not affect the ultimate rights of any party;

(e) all appeals by way of stated case to the Supreme Court under any Act other than *The Summary Convictions Act*;

R.S.O. 1960,
c. 387

(f) all appeals from final orders of the Master of the Supreme Court.

Existing
appeals to
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R.S.O. 1960,
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(2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, including such an appeal by way of stated case, such provision shall be deemed to provide an appeal to the Supreme Court and clause *a* of subsection 1 applies.

R.S.O. 1960,
c. 197, s. 26,
subs. 1, cl. *c*,
amended

4.—(1) Clause *c* of subsection 1 of section 26 of *The Judicature Act* is amended by striking out “and, subject to the rules, from any other judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure” in the third, fourth, fifth and sixth lines, so that the clause shall read as follows:

(c) any judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure that affects the ultimate rights of any party.

R.S.O. 1960,
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(2) Subsection 1 of the said section 26 is amended by adding at the end thereof “except that where such judgment, order or decision is that of the Divisional Court, the appeal shall be on questions of law only and is subject to the leave of the Court of Appeal”.

R.S.O. 1960,
c. 197, s. 40,
subs. 1*a*
(1968, c. 59,
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amended

5. Subsection 1*a* of section 40 of *The Judicature Act*, as enacted by section 2 of *The Judicature Amendment Act, 1968*, is amended by inserting after “order” in the second line “for corollary relief”, so that the subsection shall read as follows:

Exception
1968, c. 24
(Can.)

(1*a*) An appeal to the Court of Appeal from an interlocutory order for corollary relief under the *Divorce Act* (Canada) may be heard without leave before one justice of appeal sitting alone.

R.S.O. 1960,
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6. *The Judicature Act* is amended by adding thereto the following section:

SECTION 4. An appeal is given from the Divisional Court to the Court of Appeal on questions of law only and by leave of the Court of Appeal.

SECTION 5. The special provision for appeal from interlocutory decisions in divorce matters is confined to orders for corollary relief, and the procedure applicable in other actions is restored for other interlocutory orders in divorce actions.

SECTION 6. Complementary to section 2 of the Bill.

SECTIONS 7, 8 and 9. Specific reference to Osgoode Hall is deleted .
because of the location of some court offices at 145 Queen Street West.

SECTION 10. The days on which court offices may be closed are
up-dated to include Boxing Day and Civic Holiday.

44a.—(1) Except where otherwise provided, every proceeding in the Divisional Court shall be heard, determined and disposed of before three judges thereof sitting together of whom one shall be the Chief Justice of the High Court or a judge of the High Court designated by him, and the sitting shall be presided over by the Chief Justice of the High Court or his designee. Hearings of Divisional Court

(2) The Divisional Court may sit in two or more sections as the Chief Justice of the High Court directs from time to time. Sections

(3) In accordance with the rules, sittings of the Divisional Court shall be held in Toronto continuously, except during vacations and holidays, and shall be held in London, Ottawa, Sudbury, Sault Ste. Marie and Thunder Bay at such times as the Chief Justice of the High Court may fix for the expeditious dispatch of the matters set down for hearing at those places. Time and place of sittings

7.—(1) Subsection 3 of section 66 of *The Judicature Act* is amended by striking out “Osgoode Hall” in the sixth and seventh lines. R.S.O. 1960, c. 197, s. 66, subs. 3, amended

(2) Subsection 4 of the said section 66 is amended by striking out “Osgoode Hall” in the third line. R.S.O. 1960, c. 197, s. 66, subs. 4, amended

8. Subsection 3 of section 83 of *The Judicature Act* is amended by striking out “Osgoode Hall” in the sixth and seventh lines. R.S.O. 1960, c. 197, s. 83, subs. 3, amended

9. Section 88 of *The Judicature Act* is amended by inserting after “at” in the fourth line “or adjacent to”, so that the section shall read as follows: R.S.O. 1960, c. 197, s. 88, amended

88. The officers in Toronto, save the Official Guardian, special examiners, stenographic reporters and any official referee other than one holding that office *ex officio*, shall keep their offices at or adjacent to Osgoode Hall, in the City of Toronto. Certain officers to keep their offices at Osgoode Hall

10. Section 91 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 197, s. 91, re-enacted

91.—(1) In this section, “holiday” means, Holiday defined

(a) a holiday as defined in *The Interpretation Act*; R.S.O. 1960, c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court in Toronto shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960,
c. 197, s. 115,
subs. 1,
amended

11.—(1) Subsection 1 of section 115 of *The Judicature Act* is amended by striking out "Except in the County of York" in the first line, so that the subsection shall read as follows:

County
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are local
judges

(1) Every judge of a county court is a local judge of the High Court for the purposes of his jurisdiction in actions in the Supreme Court, and may be styled a local judge of the Supreme Court, and has, in all causes and actions in the Supreme Court, subject to the rules, power and authority to do and perform all such acts and transact all such business in respect of matters and causes in or before the High Court as he is by statute or the rules empowered to do and perform.

R.S.O. 1960,
c. 197, s. 115,
amended

(2) The said section 115 is amended by adding thereto the following subsection:

Jurisdiction
of local
judges in
divorce
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(3) Without limiting the generality of subsections 1 and 2, the jurisdiction of the local judges of the High Court extends to the exercising of all such powers and authorities and the performing of such acts and the transacting of all such business as may be exercised, performed or transacted by the Supreme Court or a judge thereof under the *Divorce Act* (Canada).

1967-68,
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12. Sections 1, 2, 3, 4, 6 and 11 do not apply to actions or proceedings commenced before those sections come into force.

Commence-
ment

13.—(1) This Act, except sections 1, 2, 3, 4, 6 and 11, comes into force on the day it receives Royal Assent.

SECTION 11. Local judges are authorized to hear and dispose of divorce actions and county court judges in York County are made local judges of the Supreme Court.

(2) Sections 1, 2, 3, 4, 6 and 11 come into force on a day ^{Idem} to be named by the Lieutenant Governor by his proclamation.

14. This Act may be cited as *The Judicature Amendment* ^{Short title} *Act, 1970. (No. 4).*

Bill 100

An Act to amend
The Judicature Act

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

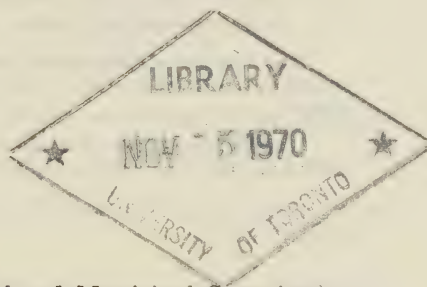
MR. WISHART

BILL 183

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART



(Reprinted as amended by the Legal and Municipal Committee)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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4. all appeals by way of stated case now referred to the High Court or Court of Appeal;
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The new provision ensures that the appointment of High Court judges is unaffected by the division of duties assigned to the Divisional Court.

The Divisional Court is authorized to sit in Toronto, Ottawa, London, Sudbury, Sault Ste. Marie and Thunder Bay.

BILL 183

1970

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Page 100

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1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

MR. WISHART

*(Reprinted as amended by the
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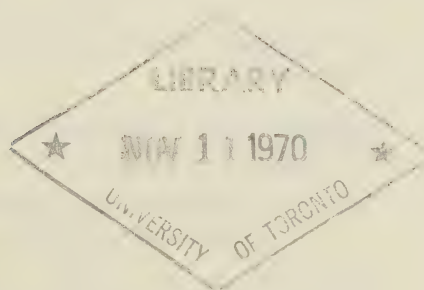
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BILL 183

3RD SESSION, 28TH LEGISLATURE, ONTARIO
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BILL 183

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13.—(1) This Act, except sections 1, 2, 3, 4, 6 and 11, comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 3, 4, 6 and 11 come into force on a day^{Idem} to be named by the Lieutenant Governor by his proclamation.

14. This Act may be cited as *The Judicature Amendment*^{Short title} *Act, 1970. (No. 4).*

An Act to amend
The Judicature Act

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 29th, 1970

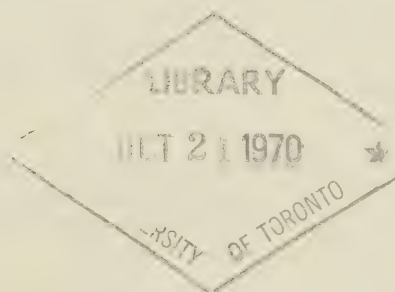
MR. WISHART

BILL 184

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The County Courts Act

Mr. WISHART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The days on which court offices may be closed are extended to include Boxing Day and Civic Holiday.

SECTION 2. The dates of the sittings, in each county and district, now prescribed by statute, are left to the chief judge to determine and his order will be published as a regulation.

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 6,
re-enacted

6.—(1) In this section, “holiday” means, Holiday
defined

(a) a holiday as defined in *The Interpretation Act*; R.S.O. 1960,
c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county Office hours court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

2. Section 10, as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11, as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14, as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 10,
re-enacted:
s. 11,
repealed.
ss. 12-14
(1961-62,
c. 24, s. 2),
repealed

Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960,
c. 349

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. a,
amended

- 3.—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. b,
amended

- (2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. c,
amended

- (3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. d,
amended

- (4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. e,
amended

- (5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. f,
amended

- (6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. g,
amended

- (7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$20,000” in the amendment of 1961-62 and inserting in lieu thereof “\$50,000”.

SECTION 3—Subsections 1 to 12. The monetary jurisdiction of county and district courts is increased from \$3,000 to \$7,500 and, where partnerships or estates are involved, the total value is increased from \$20,000 to \$50,000.

Subsection 13. The provision for removing a case that exceeds the monetary jurisdiction of the county or district court into the Supreme Court is rewritten to ensure that failure to take the procedures to remove the case puts the jurisdiction of the county or district court beyond dispute.

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in the amendment of 1961-62 and inserting in lieu thereof "\$50,000". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *i*, amended

(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *j*, amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "\$50,000". R.S.O. 1960, c. 76, s. 19, subs. 2, amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 19, subss. 3-5, re-enacted

(3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted. Transfer to Supreme Court by plaintiff

(4) The defendant may, within fifteen days after the entry of appearance if he has given notice that he disputes the jurisdiction of the court in his appearance, or within fifteen days after the filing of his Transfer to Supreme Court by defendant

statement of defence if he has given such notice in his statement of defence, apply to a judge of the Supreme Court for an order transferring the action to that court.

When
jurisdiction
established

- (5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application
of section

- (14) This section does not apply to actions commenced before this section comes into force.

Commence-
ment

- 4.**—(1) This Act, except sections 2 and 3 comes into force on the day it receives Royal Assent.

Idem

- (2) Section 2 comes into force on the 1st day of January, 1971.

Idem

- (3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 5.** This Act may be cited as *The County Courts Amendment Act, 1970*.

BILL 184

An Act to amend
The County Courts Act

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

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BILL 184

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The County Courts Act

MR. WISHART

(Reprinted as amended by the Legal and Municipal Committee)

EXPLANATORY NOTES

SECTION 1. The days on which court offices may be closed are extended to include Boxing Day and Civic Holiday.

SECTION 2. The dates of the sittings, in each county and district, now prescribed by statute, are left to the chief judge to determine and his order will be published as a regulation.

BILL 184

1970

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 6,
re-enacted

6.—(1) In this section, “holiday” means, Holiday
defined

(a) a holiday as defined in *The Interpretation Act*; R.S.O. 1960,
c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon. Office hours

2. Section 10, as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11, as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14, as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 10,
re-enacted;
s. 11,
repealed;
ss. 12-14
(1961-62,
c. 24, s. 2),
repealed

Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960,
c. 349

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. a,
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3.—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. c,
amended

(3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. d,
amended

(4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. e,
amended

(5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. f,
amended

(6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. g,
amended

(7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$20,000” in the amendment of 1961-62 and inserting in lieu thereof “\$50,000”.

SECTION 3—Subsections 1 to 12. The monetary jurisdiction of county and district courts is increased from \$3,000 to \$7,500 and, where partnerships or estates are involved, the total value is increased from \$20,000 to \$50,000.

Subsection 13. The provision for removing a case that exceeds the monetary jurisdiction of the county or district court into the Supreme Court is rewritten to ensure that failure to take the procedures to remove the case puts the jurisdiction of the county or district court beyond dispute.

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”. R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$20,000” in the amendment of 1961-62 and inserting in lieu thereof “\$50,000”. R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”. R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *i*, amended


(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”. R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *j*, amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$20,000” in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance “\$50,000”. R.S.O. 1960, c. 76, s. 19, subs. 2, amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 19, subss. 3-5, re-enacted

- (3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted. Transfer to Supreme Court by plaintiff

- (4) Where the plaintiff does not exercise the right conferred by subsection 3 within the period set out therein, the defendant may, within ten days after the expiration of such period apply to a judge of Transfer to Supreme Court by defendant

the Supreme Court for an order transferring the action to that court. 

When
jurisdiction
established

- (5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application
of section

- (14) This section does not apply to actions commenced before this section comes into force.

Commence-
ment

- 4.**—(1) This Act, except sections 2 and 3 comes into force on the day it receives Royal Assent.

Idem

- (2) Section 2 comes into force on the 1st day of January, 1971.

Idem

- (3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 5.** This Act may be cited as *The County Courts Amendment Act, 1970*.

An Act to amend
The County Courts Act

1st Reading

October 7th, 1970

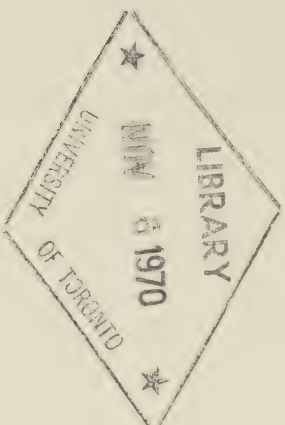
2nd Reading

October 15th, 1970

3rd Reading

MR. WISHART

(Reprinted as amended by the
Legal and Municipal Committee)



BILL 184

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The County Courts Act

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 184

1970

An Act to amend The County Courts Act

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1. Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 6,
re-enacted

6.—(1) In this section, “holiday” means, Holiday
defined

(a) a holiday as defined in *The Interpretation Act*; R.S.O. 1960,
c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon. Office hours

2. Section 10, as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11, as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14, as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 10,
re-enacted:
s. 11,
repealed:
ss. 12-14
(1961-62,
c. 24, s. 2)
repealed

Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960,
c. 349

- R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. a,
amended **3.**—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

- R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. b,
amended (2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

- R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. c,
amended (3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance “\$7,500”.

- R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. d,
amended (4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

- R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. e,
amended (5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

- R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. f,
amended (6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

- R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. g,
amended (7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$20,000” in the amendment of 1961-62 and inserting in lieu thereof “\$50,000”.

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in the amendment of 1961-62 and inserting in lieu thereof "\$50,000". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *i*, amended

(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *j*, amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "\$50,000". R.S.O. 1960, c. 76, s. 19, subs. 2, amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor: R.S.O. 1960 c. 76, s. 19, subss. 3-5, re-enacted

- (3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted. Transfer to Supreme Court by plaintiff
- (4) Where the plaintiff does not exercise the right conferred by subsection 3 within the period set out therein, the defendant may, within ten days after the expiration of such period, apply to a judge of Transfer to Supreme Court by defendant

the Supreme Court for an order transferring the action to that court.

When
jurisdiction
established

- (5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application
of section

- (14) This section does not apply to actions commenced before this section comes into force.

Commence-
ment

- 4.**—(1) This Act, except sections 2 and 3 comes into force on the day it receives Royal Assent.

Idem

- (2) Section 2 comes into force on the 1st day of January, 1971.

Idem

- (3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 5.** This Act may be cited as *The County Courts Amendment Act, 1970*.

*An Act to amend
The County Courts Act*

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 29th, 1970

MR. WISHART

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Publication

BILL 185

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The General Sessions Act

MR. WISHART



EXPLANATORY NOTE

The dates of the sittings of the general sessions of the peace in each county and district, now prescribed in the statute, are left to the chief judge to determine and his order will be published as a regulation.

BILL 185

1970

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The General Sessions Act*, as amended by section 2 of *The General Sessions Amendment Act, 1961-62*, section 1 of *The General Sessions Amendment Act, 1962-63* and section 1 of *The General Sessions Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 163, s. 3,
re-enacted

3. In each year the sittings of each court of general sessions of the peace shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

Sittings

R.S.O. 1960,
c. 349

2. Section 4a of *The General Sessions Act*, as enacted by section 2 of *The General Sessions Amendment Act, 1965*, is repealed.

R.S.O. 1960,
c. 163, s. 4a
(1965, c. 44,
s. 2),
repealed

3. This Act comes into force on the 1st day of January, 1971.

Commence-
ment

4. This Act may be cited as *The General Sessions Amendment Act, 1970*.

Short title

BILL 185

An Act to amend
The General Sessions Act

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

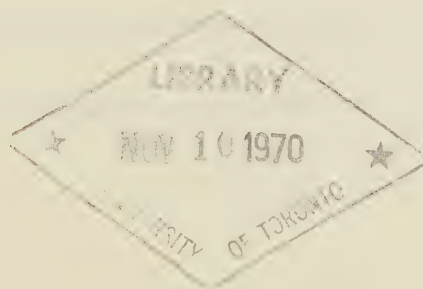
MR. WISHART

BILL 185

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The General Sessions Act

MR. WISHART



BILL 185

1970

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The General Sessions Act*, as amended by R.S.O. 1960, c. 163, s. 3, re-enacted section 2 of *The General Sessions Amendment Act, 1961-62*, section 1 of *The General Sessions Amendment Act, 1962-63* and section 1 of *The General Sessions Amendment Act, 1965*, is repealed and the following substituted therefor:

3. In each year the sittings of each court of general sessions of the peace shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies. Sittings
R.S.O. 1960, c. 349

2. Section 4a of *The General Sessions Act*, as enacted by R.S.O. 1960, c. 163, s. 4a section 2 of *The General Sessions Amendment Act, 1965*, is (1965, c. 44, s. 2), repealed repealed.

3. This Act comes into force on the 1st day of January, 1971. Commence-
ment

4. This Act may be cited as *The General Sessions Amend-Short title
ment Act, 1970*.

An Act to amend
The General Sessions Act

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

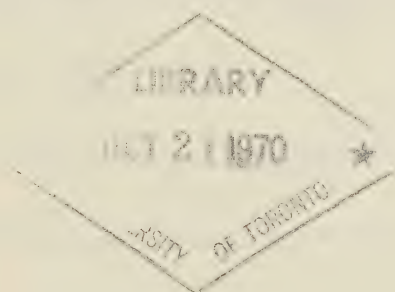
MR. WISHART

BILL 186

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Interpretation Act

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Complementary to other Bills adding Boxing Day and Civic Holiday to the days on which judicial and land registry offices may be closed.

SECTION 2. Complementary to the creation of the Divisional Court by *An Act to amend The Judicature Act* (No. 4).

BILL 186

1970

An Act to amend The Interpretation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 27 of *The Interpretation Act* is re-pealed and the following substituted therefor: R.S.O. 1960,
c. 191, s. 27,
cl. i,
re-enacted

(i) where the time limited for a proceeding or for the doing of any thing in an office of the Supreme Court, or a county or district court office, or a surrogate court office, or a division court office, or a registry office, or a land titles office, or a sheriff's office expires or falls upon a day that is prescribed as a holiday for such office, the time so limited extends to and the thing may be done on the day next following that is not a holiday. computation
of time
where time
limited
expires on
a holiday

2. Section 30 of *The Interpretation Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 191, s. 30,
amended

5a. "Divisional Court" means the Divisional Court of the High Court of Justice for Ontario.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Interpretation Amendment Act, 1970*. Short title

An Act to amend
The Interpretation Act

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 186

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Interpretation Act

MR. WISHART





BILL 186

1970

An Act to amend The Interpretation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 27 of *The Interpretation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 191, s. 27,
cl. i,
re-enacted

- (i) where the time limited for a proceeding or for the doing of any thing in an office of the Supreme Court, or a county or district court office, or a surrogate court office, or a division court office, or a registry office, or a land titles office, or a sheriff's office expires or falls upon a day that is prescribed as a holiday for such office, the time so limited extends to and the thing may be done on the day next following that is not a holiday. computation
of time
where time
limited
expires on
a holiday

2. Section 30 of *The Interpretation Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 191, s. 30,
amended

5a. "Divisional Court" means the Divisional Court of the High Court of Justice for Ontario.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Interpretation Amendment Act, 1970*. Short title

An Act to amend
The Interpretation Act

1st Reading

October 7th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

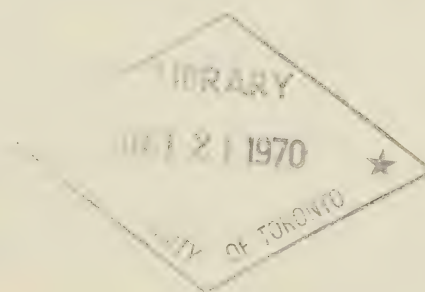
MR. WISHART

BILL 187

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judges' Orders Enforcement Act

MR. WISHART



EXPLANATORY NOTE

This Bill is complementary to *An Act to amend The Judicature Act* (No. 4) and provides that appeals from judges as *persona designata* go to the Divisional Court of the High Court.

BILL 187

1970

An Act to amend The Judges' Orders Enforcement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is ^{R.S.O. 1960, c. 196, s. 3, amended} amended by striking out "Court of Appeal" in the second line and in the seventh line and inserting in lieu thereof in each instance "Divisional Court", so that the section shall read as follows:

3. An appeal lies from an order made by a judge as ^{Appeal} *persona designata* to the Divisional Court,

(a) if the right of appeal is given by the statute under which the judge acted; or

(b) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Divisional Court.

2. This Act does not apply to applications or proceedings ^{Application} commenced before the day this Act comes into force.

3. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation. ^{ment}

4. This Act may be cited as *The Judges' Orders Enforcement Act*, 1970. ^{Short title}

An Act to amend
The Judges' Orders Enforcement Act

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

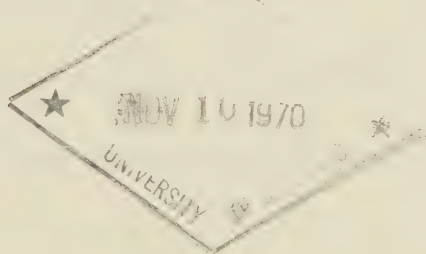
MR. WISHART

BILL 187

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judges' Orders Enforcement Act

MR. WISHART



BILL 187

1970

An Act to amend The Judges' Orders Enforcement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is ^{R.S.O. 1960, c. 196, s. 3, amended} amended by striking out "Court of Appeal" in the second line and in the seventh line and inserting in lieu thereof in each instance "Divisional Court", so that the section shall read as follows:

3. An appeal lies from an order made by a judge as ^{Appeal} *persona designata* to the Divisional Court,

- (a) if the right of appeal is given by the statute under which the judge acted; or
- (b) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Divisional Court.

2. This Act does not apply to applications or proceedings ^{Application} commenced before the day this Act comes into force.

3. This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.

4. This Act may be cited as *The Judges' Orders Enforcement Amendment Act, 1970*. ^{Short title}

An Act to amend
The Judges' Orders Enforcement Act

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

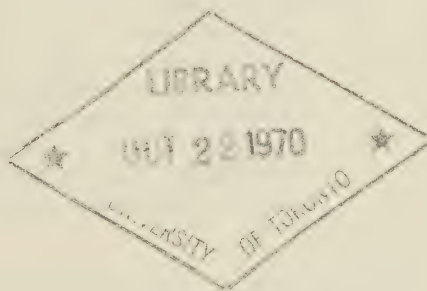
MR. WISHART

BILL 188

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Habeas Corpus Act

MR. WISHART



EXPLANATORY NOTE

At present, an application for a writ of *habeas corpus* may be made to a Supreme Court judge or to the Court of Appeal and where made to and refused by a Supreme Court judge, may be appealed to the Court of Appeal.

The amendments require the application to be made to a Supreme Court judge with the right of appeal, on refusal, to the Divisional Court established under *An Act to amend The Judicature Act* (No. 4), and, on further refusal, another appeal as of right to the Court of Appeal.

An Act to amend The Habeas Corpus Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Habeas Corpus Act* is amended by striking out “or before the Court of Appeal” in the twelfth and thirteenth lines. R.S.O. 1960, c. 169, s. 1, subs. 1, amended

(2) Subsection 3 of the said section 1 is repealed. R.S.O. 1960, c. 169, s. 1, subs. 3, repealed

2.—(1) Subsection 1 of section 8 of *The Habeas Corpus Act* is amended by striking out “Court of Appeal” in the sixth line and in the ninth line, and inserting in lieu thereof in each instance “Divisional Court”, so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 1, amended

(1) Where a person confined or restrained of his liberty is brought before a judge upon a writ of *habeas corpus* and is remanded into custody upon the original order or warrant of commitment or by virtue of any warrant, order or rule of such judge, such person may appeal from the decision or judgment of the judge to the Divisional Court, and thereupon the writ of *habeas corpus*, the return thereto, and the affidavits, depositions, evidence, conviction and other proceedings shall be certified by the proper officer to the Divisional Court. Appeal from remand to custody

(2) Subsection 2 of the said section 8 is amended by striking out “Court of Appeal” in the first line and inserting in lieu thereof “Divisional Court”, so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 2, amended

(2) The Divisional Court shall thereupon hear and determine the appeal without formal pleadings and, if the court determines that the confinement or restraint is illegal, shall so certify to the person having Court may order discharge

the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly.

R.S.O. 1960,
c. 169,
amended

3. *The Habeas Corpus Act* is amended by adding thereto the following section:

Appeal to
Court of
Appeal

8a. An appellant under section 8 may appeal from the decision of the Divisional Court to the Court of Appeal.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Habeas Corpus Amendment Act, 1970*.

An Act to amend
The Habeas Corpus Act

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

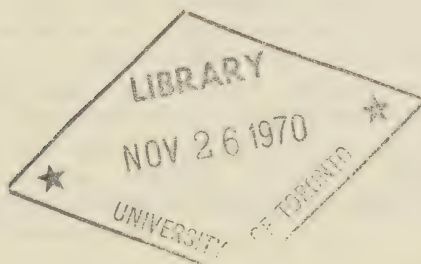
MR. WISHART

BILL 188

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Habeas Corpus Act

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 188

1970

An Act to amend The Habeas Corpus Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Habeas Corpus Act* is amended by striking out “or before the Court of Appeal” in the twelfth and thirteenth lines. R.S.O. 1960, c. 169, s. 1, subs. 1, amended

(2) Subsection 3 of the said section 1 is repealed. R.S.O. 1960, c. 169, s. 1, subs. 3, repealed

2.—(1) Subsection 1 of section 8 of *The Habeas Corpus Act* is amended by striking out “Court of Appeal” in the sixth line and in the ninth line, and inserting in lieu thereof in each instance “Divisional Court”, so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 1, amended

(1) Where a person confined or restrained of his liberty is brought before a judge upon a writ of *habeas corpus* and is remanded into custody upon the original order or warrant of commitment or by virtue of any warrant, order or rule of such judge, such person may appeal from the decision or judgment of the judge to the Divisional Court, and thereupon the writ of *habeas corpus*, the return thereto, and the affidavits, depositions, evidence, conviction and other proceedings shall be certified by the proper officer to the Divisional Court. Appeal from remand to custody

(2) Subsection 2 of the said section 8 is amended by striking out “Court of Appeal” in the first line and inserting in lieu thereof “Divisional Court”, so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 2, amended

(2) The Divisional Court shall thereupon hear and determine the appeal without formal pleadings and, if the court determines that the confinement or restraint is illegal, shall so certify to the person having Court may order discharge

the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly.

R.S.O. 1960,
c. 169,
amended

3. *The Habeas Corpus Act* is amended by adding thereto the following section:

Appeal to
Court of
Appeal

8a. An appellant under section 8 may appeal from the decision of the Divisional Court to the Court of Appeal.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Habeas Corpus Amendment Act, 1970*.

An Act to amend
The Habeas Corpus Act

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

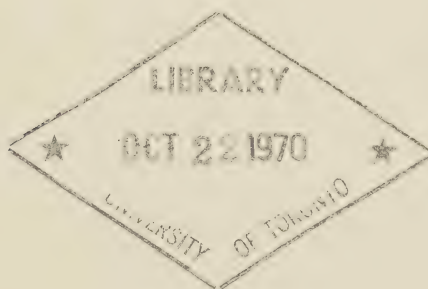
MR. WISHART

BILL 189

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to repeal The Damage by Fumes Arbitration Act

MR. WELLS



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The arbitration proceedings under this Act are now replaced by a board of negotiation under *The Air Pollution Control Act, 1967*. *The Damage by Fumes Arbitration Act* is, therefore, repealed.

BILL 189

1970

**An Act to repeal
The Damage by Fumes Arbitration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) *The Damage by Fumes Arbitration Act* is repealed. R.S.O. 1960,
c. 86,
repealed
- (2) *The Damage by Fumes Arbitration Amendment Act*, 1968-69,
c. 22,
repealed
1968-69 is repealed.
2. This Act shall be deemed to have come into force on the Commence-
ment
1st day of April, 1970.
3. This Act may be cited as *The Damage by Fumes Arbitration Repeal Act*, 1970. Short title

An Act to repeal
The Damage by Fumes Arbitration Act

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

Mr. WELLS

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BILL 189

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to repeal The Damage by Fumes Arbitration Act

MR. WELLS



BILL 189

1970

**An Act to repeal
The Damage by Fumes Arbitration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Damage by Fumes Arbitration Act* is repealed. R.S.O. 1960,
c. 86,
repealed

(2) *The Damage by Fumes Arbitration Amendment Act, 1968-69* is repealed. 1968-69,
c. 22,
repealed

2. This Act shall be deemed to have come into force on the 1st day of April, 1970. Commence-
ment

3. This Act may be cited as *The Damage by Fumes Arbitration Repeal Act, 1970*. Short title

An Act to repeal
The Damage by Fumes Arbitration Act

1st Reading

October 8th, 1970

2nd Reading

October 28th, 1970

3rd Reading

October 28th, 1970

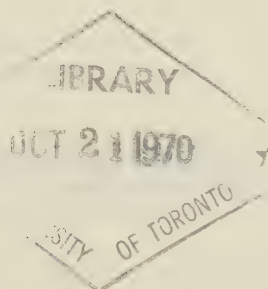
MR. WELLS

BILL 190

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Pesticides Act, 1967

MR. WELLS



TORONTO

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EXPLANATORY NOTES

SECTION 1. Complementary to sections 2 and 3 of the Bill.

SECTION 2. The name of the Pesticides Advisory Board is changed to Pesticides Advisory Committee and the function of holding hearings re licences is removed.

BILL 190

1970

An Act to amend The Pesticides Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Pesticides Act, 1967* is <sup>1967, c. 74,
s. 1, cl. *a*,
re-enacted</sup> repealed and the following substituted therefor:

(*a*) "Board" means the Pesticides Licence Review Board.

(2) The said section 1, as amended by section 1 of *The* <sup>1967, c. 74,
s. 1,
amended</sup> *Pesticides Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

(*aa*) "Committee" means the Pesticides Advisory Committee;

(*ba*) "Director" means an officer of the Department designated by the Minister as Director for the purpose of this Act.

2. Section 5, as amended by section 2 of *The Pesticides* <sup>1967, c. 74,
ss. 5-7,
re-enacted</sup> *Amendment Act, 1968-69*, and sections 6 and 7 of *The Pesticides Act, 1967*, are repealed and the following substituted therefor:

5.—(1) The Lieutenant Governor in Council may <sup>Advisory
Committee</sup> appoint a committee consisting of not fewer than ten members to be known as the Pesticides Advisory Committee.

(2) Six members of the Committee constitute a quorum. ^{Quorum}

(3) The Lieutenant Governor in Council may designate <sup>Chairman
and
secretary</sup> one member of the Committee as chairman and may appoint a person who is not a member as secretary.

Functions

(4) The Committee shall,

- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;
- (b) inquire into and consider any matter the Committee considers advisable concerning the use of substances for exterminations that may affect public health or safety or the environment or produce other adverse effects, and any such matter referred to it by the Minister, and report thereon to the Minister; and
- (c) perform such other functions as the regulations prescribe.

Issuance of licence

6.—(1) The Director shall issue a licence upon such terms and conditions as are specified in the regulations, to an applicant for the particular class of licence applied for, where this Act and the regulations are complied with.

Grounds for revocation

(2) The Director may revoke or suspend the licence where the operator or exterminator,

- (a) contravenes this Act or the regulations;
- (b) is in breach of a condition of the licence;
- (c) is found to be incompetent, or grossly negligent;
- (d) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

Pesticides Licence Review Board

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Pesticides Licence Review Board and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

Notice of refusal or revocation

7a.—(1) Where the Director refuses to issue or proposes to revoke or suspend a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation

or suspension, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation or suspension, require a hearing by the Board.

- (2) The Board shall fix a date for the hearing and shall ^{Time for hearing} serve notice of the hearing on the parties at least ten days before the day fixed,
- (3) The notice of hearing shall contain, ^{Contents of notice of hearing}
- (a) a statement of the time and place of the hearing, which shall not be longer than thirty days after notice is given to the Board under subsection 1;
 - (b) a statement of the statutory power under which the hearing is being held;
 - (c) a reference to the rules of procedure applicable to the hearing;
 - (d) a concise statement of the issues; and
 - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.
- 7b.—(1) The Director, the applicant or licensee and any ^{Parties} other person specified by the Board are parties to the hearing.
- (2) If a person who has been duly notified of a hearing ^{Non-appearance} does not attend, the Board may proceed in his absence.
- 7c.—(1) A hearing may be adjourned from time to time ^{Adjournments} by the Board on reasonable grounds,
- (a) on its own motion; or
 - (b) on the motion of any party to the hearing.
- (2) The Board may command the attendance before it ^{Subpoenas} of any person as a witness.
- (3) The Board may require any person, ^{Oaths}
- (a) to give evidence on oath or by affirmation at a hearing; and

- (b) to produce such documents and things as the Board requires.

Idem

- (4) The Board may admit evidence not given under oath.

Offences

- (5) Any person who, without lawful excuse,
- (a) on being duly summoned as a witness before the Board makes default in attending; or
 - (b) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or
 - (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

- (6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

- 7d.—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

- (2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

- (3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

- (4) All hearings shall be open to the public. Hearings
public
- 7e.—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board form the record. Evidence
- (2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. Release of
exhibits
- 7f.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director. Powers of
Board
- (2) The decision of the Board, including the reasons therefor, shall be in writing. Decision
to be in
writing
- (3) The reasons for the final decision shall contain, Content of
reasons
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (b) any agreed findings of fact; and
 - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.
- (4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. Notice of
decision
- 7g.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to
Court of
Appeal
- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

Decision
of court

- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

- (4) The decision of the Court of Appeal is final.

Protection
from
personal
liability

- 7*h*.—No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

1967, c. 74,
s. 13,
amended

- 3.—(1) Section 13 of *The Pesticides Act, 1967* is amended by adding thereto the following clause:

- (*aa*) providing for the appointment of examiners for applicants for licences, the period for which such appointments may be made and the remuneration of examiners.

1967, c. 74,
s. 13, cl. *p*,
amended

- (2) Clause *p* of the said section 13 is amended by striking out “Board” in the second line and inserting in lieu thereof “Committee”, so that the clause shall read as follows:

- (*p*) prescribing functions, practices and procedures, tenure of office and remuneration of the Committee.

1967, c. 74,
s. 13,
amended

- (3) The said section 13 is further amended by adding thereto the following clause:

- (*ra*) governing the storage and disposal of any unused portion of any substance used for extermination.

1967, c. 74,
s. 14,
amended

4. Section 14 of *The Pesticides Act, 1967* is amended by striking out “not less than \$25 and not more than \$1,000” in the third and fourth lines and inserting in lieu thereof “not more than \$2,000”, so that the section shall read as follows:

Offence

14. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on

SECTION 3. The Pesticides Licence Review Board is established to hold hearings concerning licensing. The procedures and appeals are set out.

SECTION 4. The regulating section is amended to permit regulation of disposal of unused pesticides and to provide for the appointment of examiners.

SECTION 5. The monetary penalty for an offence is changed from a minimum of \$25 and a maximum of \$1,000 to a maximum of \$2,000.

summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three months, or to both.

5. This Act comes into force on a day to be named by the ^{Commence-}
Lieutenant Governor by his proclamation.

6. This Act may be cited as *The Pesticides Amendment* ^{Short title}
Act, 1970.

An Act to amend
The Pesticides Act, 1967

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

MR. WELLS

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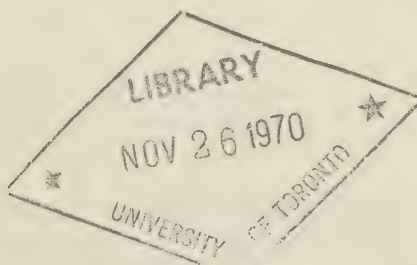
Government
Publications

BILL 190

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Pesticides Act, 1967

MR. WELLS



BILL 190

1970

An Act to amend The Pesticides Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Pesticides Act, 1967* is ^{1967, c. 74,} repealed and the following substituted therefor: ^{s. 1, cl. *a*,} ^{re-enacted}

(a) "Board" means the Pesticides Licence Review Board.

(2) The said section 1, as amended by section 1 of *The* ^{1967, c. 74,} *Pesticides Amendment Act, 1968-69*, is further amended by ^{s. 1,} ^{amended} adding thereto the following clauses:

(aa) "Committee" means the Pesticides Advisory Committee;

.

(ba) "Director" means an officer of the Department designated by the Minister as Director for the purpose of this Act.

2. Section 5, as amended by section 2 of *The Pesticides* ^{1967, c. 74,} *Amendment Act, 1968-69*, and sections 6 and 7 of *The Pesticides* ^{ss. 5-7,} ^{re-enacted} *Act, 1967*, are repealed and the following substituted therefor:

5.—(1) The Lieutenant Governor in Council may ^{Advisory} ^{Committee} appoint a committee consisting of not fewer than ten members to be known as the Pesticides Advisory Committee.

(2) Six members of the Committee constitute a quorum. ^{Quorum}

(3) The Lieutenant Governor in Council may designate ^{Chairman} ^{and} ^{secretary} one member of the Committee as chairman and may appoint a person who is not a member as secretary.

Functions

(4) The Committee shall,

- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;
- (b) inquire into and consider any matter the Committee considers advisable concerning the use of substances for exterminations that may affect public health or safety or the environment or produce other adverse effects, and any such matter referred to it by the Minister, and report thereon to the Minister; and
- (c) perform such other functions as the regulations prescribe.

Issuance of licence

6.—(1) The Director shall issue a licence upon such terms and conditions as are specified in the regulations, to an applicant for the particular class of licence applied for, where this Act and the regulations are complied with.

Grounds for revocation

(2) The Director may revoke or suspend the licence where the operator or exterminator,

- (a) contravenes this Act or the regulations;
- (b) is in breach of a condition of the licence;
- (c) is found to be incompetent, or grossly negligent;
- (d) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

Pesticides Licence Review Board

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Pesticides Licence Review Board and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

Notice of refusal or revocation

7a.—(1) Where the Director refuses to issue or proposes to revoke or suspend a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation

or suspension, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation or suspension, require a hearing by the Board.

- (2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. Time for hearing
- (3) The notice of hearing shall contain, Contents of notice of hearing
 - (a) a statement of the time and place of the hearing, which shall not be longer than thirty days after notice is given to the Board under subsection 1;
 - (b) a statement of the statutory power under which the hearing is being held;
 - (c) a reference to the rules of procedure applicable to the hearing;
 - (d) a concise statement of the issues; and
 - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.
- 7b.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. Parties
- (2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence. Non-appearance
- 7c.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds, Adjournments
 - (a) on its own motion; or
 - (b) on the motion of any party to the hearing.
- (2) The Board may command the attendance before it of any person as a witness. Subpoenas
- (3) The Board may require any person, Oaths
 - (a) to give evidence on oath or by affirmation at a hearing; and

(b) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Board makes default in attending; or

(b) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of
party to
counsel

7d.—(1) Any party may be represented before the Board by counsel or agent.

Right of
witness to
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of
parties at
hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

- (4) All hearings shall be open to the public. Hearings
public
- 7e.—(1) Upon a review, the Board shall hear such Evidence
evidence as is submitted to it that in its opinion is
relevant to the matter in dispute, and all oral
evidence submitted shall be taken down in writing
and, together with such documentary evidence and
things as are received in evidence by the Board
form the record.
- (2) Documents and things put in evidence at a hearing Release of
exhibits
shall, upon the request of the person who produced
them, be released to him by the Board within a
reasonable time after the matter in issue has been
finally determined.
- 7f.—(1) The Board may, after the hearing, confirm or Powers of
Board
alter the decision of the Director or direct the
Director to do any act the Director is authorized to
do under this Act and as the Board considers proper
and for this purpose the Board may substitute its
opinion for that of the Director.
- (2) The decision of the Board, including the reasons Decision
to be in
writing
therefor, shall be in writing.
- (3) The reasons for the final decision shall contain, Content of
reasons
- (a) the findings of fact on the evidence and any
information or knowledge used in reaching
the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings
mentioned in clauses *a* and *b*.
- (4) The Board shall serve each party with a copy of its Notice of
decision
final decision, together with the reasons therefor and
a notice stating the right of appeal.
- 7g.—(1) Any party to the hearing before the Board may Appeal to
Court of
Appeal
appeal from the decision of the Board to the Court
of Appeal and the practice and procedure as to the
appeal and proceedings incidental thereto are the
same *mutatis mutandis* as upon an appeal from the
High Court.
- (2) The Minister may designate counsel to assist the Counsel
court upon the hearing of an appeal under this
section.

Decision
of court

- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

- (4) The decision of the Court of Appeal is final.

Protection
from
personal
liability

- 7h.—No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

1967, c. 74,
s. 13,
amended

- 3.—(1) Section 13 of *The Pesticides Act, 1967* is amended by adding thereto the following clause:

- (aa) providing for the appointment of examiners for applicants for licences, the period for which such appointments may be made and the remuneration of examiners.

1967, c. 74,
s. 13, cl. *p*,
amended

- (2) Clause *p* of the said section 13 is amended by striking out "Board" in the second line and inserting in lieu thereof "Committee", so that the clause shall read as follows:

- (*p*) prescribing functions, practices and procedures, tenure of office and remuneration of the Committee.

1967, c. 74,
s. 13,
amended

- (3) The said section 13 is further amended by adding thereto the following clause:

- (ra) governing the storage and disposal of any unused portion of any substance used for extermination.

1967, c. 74,
s. 14,
amended

4. Section 14 of *The Pesticides Act, 1967* is amended by striking out "not less than \$25 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

Offence

14. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on

summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three months, or to both.

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}_{ment}

6. This Act may be cited as *The Pesticides Amendment* ^{Short title}
Act, 1970.

An Act to amend
The Pesticides Act, 1967

1st Reading

October 8th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

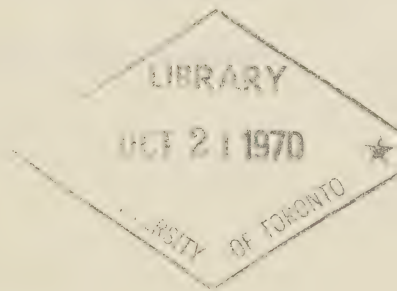
MR. WELLS

BILL 191

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Fatal Accidents Act

MR. BULLBROOK



EXPLANATORY NOTE

The amendment increases to \$750 the amount which may be awarded for necessary burial expenses in an action brought under this Act.

BILL 191

1970

An Act to amend The Fatal Accidents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Fatal Accidents Act* is amended by striking out "\$300" in the fourth line and inserting in lieu thereof "\$750", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 138, s. 3, subs. 2, amended}

- (2) In an action brought under this Act where funeral expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded not exceeding \$750 for the necessary expenses of the burial of the deceased, except that, where the body of the deceased is transported a considerable distance for burial, further damages may be awarded for the necessary extra expenses of burial thus entailed. ^{Funeral expenses}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Fatal Accidents Amendment Act, 1970*. ^{Short title}

An Act to amend
The Fatal Accidents Act

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

MR. BULLBROOK

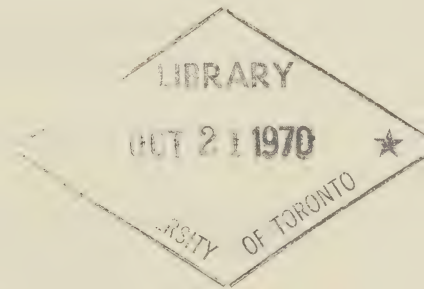
BILL 192

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3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

The Noise Pollution Control Act, 1970

Mr. BURR



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Act is to establish a means of regulating, controlling and prohibiting excess noise in the surrounding environment.

BILL 192

1970

The Noise Pollution Control Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Noise Pollution Control Advisory Board;
- (b) "Department" means the Department of Health;
- (c) "Minister" means the Minister of Health;
- (d) "noise pollution" means any level of noise that may cause discomfort to or endanger the health or safety of persons or animal life or that may cause injury or damage to property;
- (e) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (f) "regulations" means the regulations made under this Act.

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

Powers and
duties of
Minister

- (a) investigate noise pollution problems;
- (b) conduct research in the field of noise pollution;
- (c) conduct noise studies and monitoring programmes;
- (d) convene conferences, conduct seminars and educational programmes in the field of noise pollution;
- (e) publish and disseminate information on noise pollution;

- (f) appoint committees to perform such advisory functions as the Minister deems desirable.

Delegation
of powers
to officer

3. The Minister may authorize any officer or officers of the Department to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations.

Advisory
Board

4.—(1) A board to be known as "The Noise Pollution Control Advisory Board" shall be established consisting of not more than twelve members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary.

Members

(2) The composition of the Board shall be such as to provide for competent and knowledgeable persons in the engineering, medical, urban planning, industry, agricultural and labour fields and members at large.

Vacancies

(3) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council.

Duties of
Board

(4) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct.

Provincial
officers

5.—(1) The Minister may designate officers of the Department as provincial officers for the purposes of this Act and the regulations.

Powers of
provincial
officers

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations.

Information

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

Obstructing
provincial
officer

(4) No person shall obstruct a provincial officer in the exercise of his power under this section.

Power to
review, etc.

6.—(1) Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to review the certificate or order, and the Minister may review, rescind or alter any such certificate or order.

(2) If after a review by the Minister any person complains that it is still not feasible or practicable to comply with the certificate of approval or order, he may, within fifteen days after receipt of the decision of the Minister, appeal to a judge of the county or district court of the county or district in which the source of noise pollution in respect of which the certificate or order was issued or made is located, and such appeal shall be a hearing *de novo*, and the judge may dismiss the appeal or rescind or alter any such certificate or order and his decision is final.

7.—(1) No person shall construct a source of noise pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any noise from the source and to prevent noise pollution.

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of noise pollution as the Minister may require.

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any noise from the source of noise pollution, and for the prevention of noise pollution as the Minister deems necessary.

(4) No person shall construct a source of noise pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued.

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time.

8.—(1) A provincial officer may survey from time to time any source of noise pollution and after completing such survey shall report thereon with his recommendations,

- (a) respecting the source of noise pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any noise;
- (b) respecting the source of noise pollution where no equipment, apparatus, device, mechanism or structure is involved and such method of operation as may be necessary to prevent or lessen the emission of any noise.

Report to
be sent to
Department
and
operator

(2) The provincial officer shall file his report and recommendations with the Department and shall serve upon the operator or owner of the source of noise pollution a copy thereof.

Review of
report and
recom-
mendations
by Board

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing.

Counsel

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire.

Report of
Board

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner.

Order of
Minister

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of noise pollution or requiring changes respecting the source of noise pollution or the method of operation or devices employed to prevent or lessen the emission of any noise or to reduce or control noise pollution.

No order
until time
for
requesting
review
expires

(2) No order in respect of a source of noise pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of noise pollution.

Where
pollution
creates
serious
danger to
health

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted any noise that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such noise including reasons therefor, whereupon such person shall immediately discontinue such emission.

(2) The Minister shall, as soon as possible thereafter and in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons. ^{Hearing}

11.—(1) Where a person complains that noise pollution is causing or has caused injury or damage to live stock which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation. ^{Where noise pollution causes damage to live stock}

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation. ^{Request for investigation}

(3) A copy of the report shall be given to the claimant and to the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage. ^{Report of investigation}

(4) The claimant shall permit the operator or owner of such source of noise pollution or his agent to view the injury or damage. ^{Right of owner to view damage, etc.}

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. ^{Board of negotiation}

(6) Any two members of the board of negotiation constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board. ^{Quorum}

(7) The board of negotiation may sit at any place in Ontario. ^{Place of sitting}

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined. ^{Notice of amount of claim}

(9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation. ^{Notice of negotiation}

Negotiation
proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Sale of
new motor
vehicles and
engines
contrary to
regulations

12.—(1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle complies with the regulations.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Operation
of motor
vehicles
without
effective
system or
device

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle has installed on or incorporated in it such system or device and makes effective use of such system or device.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying sources of noise pollution and exempting any class or classes from the provisions of this Act and the regulations;
- (b) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;
- (c) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of noise, prescribing the standards and specifications of any such system or device, prescribing the standards of emission to which any such

system or device shall comply and providing for the testing and inspection of any such system or device;

- (d) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission of noise;
- (e) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;
- (f) prohibiting or regulating and controlling the emission of any noise from any source of noise pollution or any class thereof;
- (g) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;
- (h) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;
- (i) prescribing the noise level of noise criteria to be used in controlling, regulating or prohibiting the emission of any noise and the standards thereof;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may be general or particular in its ^{Scope of} application and may be limited as to time or place or both. ^{regulations}

15. Notwithstanding any general or special Act, this Act ^{Application} and the regulations apply in such areas in Ontario as are ^{of Act and} designated by the regulations. ^{regulations}

16.—(1) Every person who contravenes any provision of ^{Offences} this Act, except section 12 or 13, or of the regulations or any order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$2,000, and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

Idem

(2) Each day that a person contravenes a provision of this Act or the regulations or an order made by the Minister constitutes a separate offence.

Service of reports, orders, etc.

17. Any report, order or notice served under this Act shall be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of noise pollution in respect of which the report, order or notice is served, or is delivered,

- (a) in the case of a municipality, including a district, metropolitan or regional municipality, to the head or clerk of the municipality;
- (b) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;
- (c) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein.

Noise pollution control by-laws
R.S.O. 1960, c. 249

18. Every noise pollution control by-law of a municipality, including a district, metropolitan or regional municipality, passed under *The Municipal Act*, that is in force immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality.

Commence-
ment

19. This Act comes into force on the 1st day of January, 1971.

Short title

20. This Act may be cited as *The Noise Pollution Control Act, 1970*.

The Noise Pollution Control Act, 1970

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

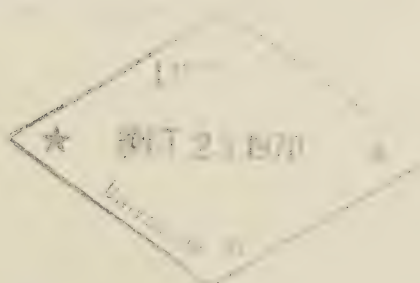
MR. BURR

BILL 193

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Investment Contracts Act

MR. LAWRENCE (Carleton East)



EXPLANATORY NOTE

The purpose of this amendment is to permit the quarterly reports required to be filed with the Superintendent of Insurance by investment contract issuers to be certified by an officer of the issuer appointed by the Superintendent, instead of solely by the auditor of the issuer. The auditor is still required to report on the annual statement.

BILL 193

1970

An Act to amend The Investment Contracts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 16 of *The Investment Contracts Act* is amended by inserting after "auditor" in the fifth line "or by such officer of the issuer as may be approved by the Superintendent", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 194, s. 16,
subs. 1,
amended

- (1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor or by such officer of the issuer as may be approved by the Superintendent, showing,

Filing
statement

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Investment Contracts Amendment Act, 1970*.

Short title

An Act to amend
The Investment Contracts Act

1st Reading

October 14th, 1970

2nd Reading

3rd Reading

Mr. Lawrence
(Carleton East)

1970

20N *legislation introduced*

BILL 193

56

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Investment Contracts Act

MR. LAWRENCE (Carleton East)



BILL 193

1970

An Act to amend The Investment Contracts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 16 of *The Investment Contracts Act* is amended by inserting after "auditor" in the fifth line "or by such officer of the issuer as may be approved by the Superintendent", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 194, s. 16,
subs. 1,
amended

- (1) Not later than thirty days after the expiration of ^{Filing statement} each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor or by such officer of the issuer as may be approved by the Superintendent, showing,

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
ment

3. This Act may be cited as *The Investment Contracts* ^{Short title} *Amendment Act, 1970.*

An Act to amend
The Investment Contracts Act

1st Reading

October 14th, 1970

2nd Reading

October 21st, 1970

3rd Reading

October 28th, 1970

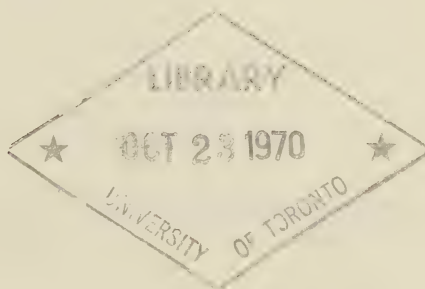
Mr. Lawrence
(Carleton East)

BILL 194

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend The Prepaid Hospital and Medical
Services Act**

MR. LAWRENCE (Carleton East)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 and 2. The amendments add the reasonableness of rates to the grounds for refusing registration or renewal of registration.

SECTION 3. The new provision requires notice and approval of changes in rates.

BILL 194

1970

An Act to amend The Prepaid Hospital and Medical Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Prepaid Hospital and Medical Services Act*, as amended by subsection 2 of section 4 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 304, s. 5,
subs. 2,
amended

(ca) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

2. Subsection 2 of section 6 of *The Prepaid Hospital and Medical Services Act*, as amended by section 5 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 304, s. 6,
subs. 2,
amended

(ba) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

3. *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 304,
amended

6a.—(1) An association shall file with the Superintendent any proposed change in rates at least thirty days prior to the effective date of the change, together with particulars as to how any such rate is made up, and shall furnish such other further information with respect thereto that the Superintendent may require.

Filing of
proposed
rate
change

Order of
prohibition

- (2) The Superintendent may, within thirty days of the filing with him of any notice of a proposed change in rates by order, prohibit the proposed change of rate if, in his opinion, such proposed change in rates would be excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

R.S.O. 1960,
c. 304, s. 8,
amended

4. Section 8 of *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following subsections:

Conditional
or limited
registration

- (2) Any registration, or renewal of registration, may be granted by the Superintendent subject to such limitations and conditions relating to the operations of the association that the Superintendent considers necessary to give effect to this Act or for the protection of persons, subscribers or members of any association in Ontario.

Application
of s. 6a,
ss. 11-16

- (3) Where the registration of a registered association lapses or is suspended or cancelled and where the Superintendent considers it necessary for the protection of persons, subscribers or members, the Superintendent may designate the association as one to which this Act continues to apply and, until the designation is revoked, section 6a and sections 11 to 16 apply to such designated association in the same manner as to a registered association.

Winding up

R.S.O. 1960,
c. 71

- (4) The Superintendent may apply to the court under section 257 of *The Corporations Act* for an order winding up an association that has ceased issuing contracts to its members or subscribers and sections 256 to 284 of *The Corporations Act* apply thereto.

R.S.O. 1960,
c. 304, s. 15,
re-enacted

5. Section 15 of *The Prepaid Hospital and Medical Services Act* is repealed and the following substituted therefor:

Investments

15. A registered association may invest its funds in the same manner and subject to the same limitations as apply to a joint stock insurance company under *The Corporations Act*, and not otherwise.

R.S.O. 1960,
c. 71

R.S.O. 1960,
c. 304, s. 18,
amended

6. Section 18 of *The Prepaid Hospital and Medical Services Act* is amended by striking out "\$20" in the fourth line and inserting in lieu thereof "\$100", so that the section shall read as follows:

Offence to
carry on
business
unless
registered

18. Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is

SECTION 4. The new provisions give the Superintendent greater control over the winding up of the affairs and contracts of an association that ceases its operations.

SECTION 5. The amendment improves the language adopting the investment limitations of joint stock insurance companies.

SECTION 6. The maximum penalty is increased from \$20 per day to \$100 per day. The amount has remained unchanged since 1950 when the Act was first enacted.

guilty of an offence and on summary conviction is liable to a fine of \$100 for each day during which the association carries on such business.

7. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

8. This Act may be cited as *The Prepaid Hospital and* ^{Short title}
Medical Services Amendment Act, 1970.

An Act to amend
The Prepaid Hospital and Medical
Services Act

1st Reading

October 14th, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (Carleton East)

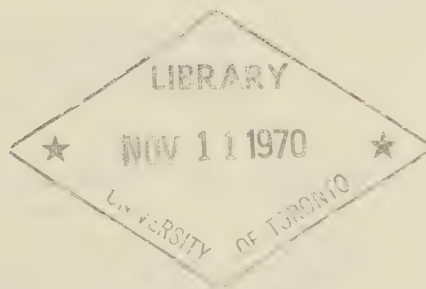
1970

BILL 194

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend The Prepaid Hospital and Medical
Services Act**

MR. LAWRENCE (Carleton East)



BILL 194

1970

An Act to amend The Prepaid Hospital and Medical Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Prepaid Hospital and Medical Services Act*, as amended by subsection 2 of section 4 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 304, s. 5,
subs. 2,
amended

(ca) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

2. Subsection 2 of section 6 of *The Prepaid Hospital and Medical Services Act*, as amended by section 5 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 304, s. 6,
subs. 2,
amended

(ba) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

3. *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 304,
amended

6a.—(1) An association shall file with the Superintendent any proposed change in rates at least thirty days prior to the effective date of the change, together with particulars as to how any such rate is made up, and shall furnish such other further information with respect thereto that the Superintendent may require.

Filing of
proposed
rate
change

Order of
prohibition

- (2) The Superintendent may, within thirty days of the filing with him of any notice of a proposed change in rates by order, prohibit the proposed change of rate if, in his opinion, such proposed change in rates would be excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

R.S.O. 1960,
c. 304, s. 8,
amended

4. Section 8 of *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following subsections:

Conditional
or limited
registration

- (2) Any registration, or renewal of registration, may be granted by the Superintendent subject to such limitations and conditions relating to the operations of the association that the Superintendent considers necessary to give effect to this Act or for the protection of persons, subscribers or members of any association in Ontario.

Application
of s. 6a,
ss. 11-16

- (3) Where the registration of a registered association lapses or is suspended or cancelled and where the Superintendent considers it necessary for the protection of persons, subscribers or members, the Superintendent may designate the association as one to which this Act continues to apply and, until the designation is revoked, section 6a and sections 11 to 16 apply to such designated association in the same manner as to a registered association.

Winding up

R.S.O. 1960,
c. 71

- (4) The Superintendent may apply to the court under section 257 of *The Corporations Act* for an order winding up an association that has ceased issuing contracts to its members or subscribers and sections 256 to 284 of *The Corporations Act* apply thereto.

R.S.O. 1960,
c. 304, s. 15,
re-enacted

5. Section 15 of *The Prepaid Hospital and Medical Services Act* is repealed and the following substituted therefor:

Investments

15. A registered association may invest its funds in the same manner and subject to the same limitations as apply to a joint stock insurance company under *The Corporations Act*, and not otherwise.

R.S.O. 1960,
c. 71

R.S.O. 1960,
c. 304, s. 18,
amended

6. Section 18 of *The Prepaid Hospital and Medical Services Act* is amended by striking out "\$20" in the fourth line and inserting in lieu thereof "\$100", so that the section shall read as follows:

Offence to
carry on
business
unless
registered

18. Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is

guilty of an offence and on summary conviction is liable to a fine of \$100 for each day during which the association carries on such business.

7. This Act comes into force on the day it receives Royal ^{Commence-}Assent_{ment}.

8. This Act may be cited as *The Prepaid Hospital and* ^{Short title}*Medical Services Amendment Act, 1970.*

An Act to amend
The Prepaid Hospital and Medical
Services Act

1st Reading

October 14th, 1970

2nd Reading

October 21st, 1970

3rd Reading

October 28th, 1970

MR. LAWRENCE (Carleton East)

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Improvement Act

MR. GOMME



EXPLANATORY NOTES

SECTION 1. The amendment is to authorize the use of space and areas over or under highways where it will not unduly interfere with the use of the highways.

SECTION 2. The amendment permits the continuation of connecting link agreements where an urban municipality or a part thereof, in which a connecting link is located, becomes part of a township.

BILL 195

1970

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 171, s. 2,
amended

- (3) The Minister may authorize any department or agency of the Crown or any municipality, including a district, metropolitan or regional municipality, or a local board thereof or any corporation or person, by lease, licence or other arrangement, Use of space
and areas
over or
under
highway

(a) to use; or

(b) to construct, maintain and use buildings, structures or improvements in or on,

any space or area located over, across or under a highway under the jurisdiction of the Department where, in the opinion of the Minister, such construction, maintenance or use can be carried out without unduly interfering with the public use of the highway.

2. Subsection 1 of section 22 of *The Highway Improvement Act*, as re-enacted by subsection 1 of section 4 of *The Highway Improvement Amendment Act, 1962-63* and amended by subsection 1 of section 1 of *The Highway Improvement Amendment Act, 1967*, is further amended by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960,
c. 171, s. 22,
subs. 1
(1962-63,
c. 55, s. 4,
subs. 1),
amended

- (d) that was a connecting link between parts of the King's Highway or an extension of the King's Highway on the date it came under the jurisdiction and control of a township.

R.S.O. 1960,
c. 171, s. 23
(1968, c. 49,
s. 1),
re-enacted

3. Section 23 of *The Highway Improvement Act*, as re-enacted by section 1 of *The Highway Improvement Amendment Act, 1968*, is repealed and the following substituted therefor:

Trans-
portation
needs study
report

23. The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

R.S.O. 1960,
c. 171, s. 25,
subs. 2,
re-enacted

4. Subsection 2 of section 25 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Consent to
closing of
highway
connecting
with King's
Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the approval of the Lieutenant Governor in Council, and a by-law passed for any of such purposes does not take effect until it has been approved by the Lieutenant Governor in Council.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Highway Improvement Amendment Act, 1970*.

SECTION 3. The provision is expanded to authorize studies of the whole transportation needs of a municipality.

SECTION 4. Subsection 2 is revised to clarify the procedure.

An Act to amend
The Highway Improvement Act

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

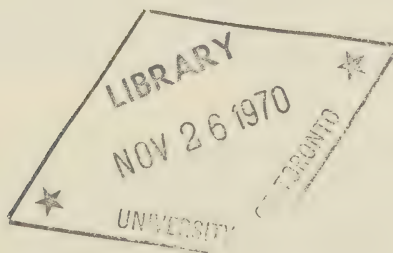
MR. GOMME

BILL 195

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Improvement Act

MR. GOMME



BILL 195

1970

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 171, s. 2,
amended

- (3) The Minister may authorize any department or agency of the Crown or any municipality, including a district, metropolitan or regional municipality, or a local board thereof or any corporation or person, by lease, licence or other arrangement, Use of space
and areas
over or
under
highway

(a) to use; or

(b) to construct, maintain and use buildings, structures or improvements in or on,

any space or area located over, across or under a highway under the jurisdiction of the Department where, in the opinion of the Minister, such construction, maintenance or use can be carried out without unduly interfering with the public use of the highway.

2. Subsection 1 of section 22 of *The Highway Improvement Act*, as re-enacted by subsection 1 of section 4 of *The Highway Improvement Amendment Act, 1962-63* and amended by subsection 1 of section 1 of *The Highway Improvement Amendment Act, 1967*, is further amended by adding "or" at the end of clause c and by adding thereto the following clause: R.S.O. 1960,
c. 171, s. 22,
subs. 1
(1962-63,
c. 55, s. 4,
subs. 1),
amended

- (d) that was a connecting link between parts of the King's Highway or an extension of the King's Highway on the date it came under the jurisdiction and control of a township.

R.S.O. 1960,
c. 171, s. 23
(1968, c. 49,
s. 1),
re-enacted

3. Section 23 of *The Highway Improvement Act*, as re-enacted by section 1 of *The Highway Improvement Amendment Act, 1968*, is repealed and the following substituted therefor:

Trans-
portation
needs study
report

23. The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

R.S.O. 1960,
c. 171, s. 25,
subs. 2,
re-enacted

4. Subsection 2 of section 25 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Consent to
closing of
highway
connecting
with King's
Highway

- (2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the approval of the Lieutenant Governor in Council, and a by-law passed for any of such purposes does not take effect until it has been approved by the Lieutenant Governor in Council.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Highway Improvement Amendment Act, 1970*.

An Act to amend
The Highway Improvement Act

1st Reading

October 15th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

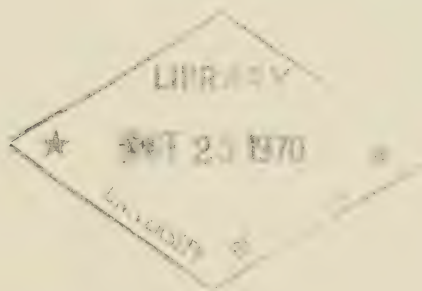
MR. GOMME

BILL 196

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Local Roads Boards Act, 1964

MR. GOMME



EXPLANATORY NOTE

The amendment provides that lands acquired under this Act for local road purposes are vested in the Crown.

BILL 196

1970

**An Act to amend
The Local Roads Boards Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of *The Local Roads Boards Act, 1964* is ^{1964, c. 56,} amended by adding thereto the following subsection: ^{s. 33,} amended

- (3) All land heretofore or hereafter acquired under sub-^{Land vested} section 2 is vested in the Crown in right of Ontario in Crown and is under the jurisdiction and control of the Minister and when no longer required for the purposes of this Act may be sold, leased or otherwise disposed of by the Minister.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Local Roads Boards* ^{Short title} *Amendment Act, 1970.*

An Act to amend
The Local Roads Boards Act, 1964

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

MR. GOMME

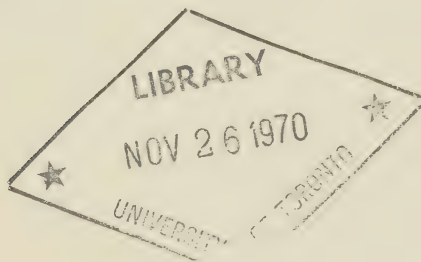
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BILL 196

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Local Roads Boards Act, 1964

MR. GOMME



BILL 196

1970

**An Act to amend
The Local Roads Boards Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of *The Local Roads Boards Act, 1964* is ^{1964, c. 56, s. 33,} amended by adding thereto the following subsection: ^{amended}

- (3) All land heretofore or hereafter acquired under sub-^{Land vested in Crown}section 2 is vested in the Crown in right of Ontario and is under the jurisdiction and control of the Minister and when no longer required for the purposes of this Act may be sold, leased or otherwise disposed of by the Minister.

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent. ^{ment}

3. This Act may be cited as *The Local Roads Boards* ^{Short title}*Amendment Act, 1970.*

An Act to amend
The Local Roads Boards Act, 1964

1st Reading

October 15th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

Mr. GOMME

20N
3
356

BILL 197

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Department of Highways Act

MR. GOMME



EXPLANATORY NOTE

The Minister is authorized to delegate certain of his powers to the Deputy Minister or other officials of the Department.

BILL 197

1970

An Act to amend The Department of Highways Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Highways Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 96,
amended

7. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than the power to expropriate, he may delegate that power or authority to the Deputy Minister, or to any other person employed in the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may impose and set out. Powers
conferred on
Deputy
Minister,
etc.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Department of Highways Amendment Act, 1970*. Short title

An Act to amend
The Department of Highways Act

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

Mr. GOMME

BILL 198

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Commuter Services Act, 1965

Mr. GOMME



EXPLANATORY NOTES

SECTIONS 1 AND 2. The amendments are required to clarify the right of Her Majesty to operate a commuter service other than by agreement with third parties.

BILL 198

1970

An Act to amend The Commuter Services Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Commuter Services Act*, 1965, c. 17, s. 3, subs. 1, re-enacted 1965 is repealed and the following substituted therefor:

(1) Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, Establishment and operation of commuter services

(a) establish and operate; and

(b) with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of,

commuter services to serve any one or more areas in Ontario.

2. Subsection 1 of section 4 of *The Commuter Services Act*, 1965, c. 17, s. 4, subs. 1, 1965, as amended by subsection 1 of section 1 of *The Commuter Services Amendment Act, 1966*, is further amended by striking out "by agreement" in the ninth line, so that the subsection shall read as follows:

(1) The Minister may,

Acquisition of property

(a) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and

(b) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided under section 3.

1965, c. 17, s. 4a
(1967, c. 10, s. 1),
amended

3. Section 4a of *The Commuter Services Act, 1965*, as enacted by section 1 of *The Commuter Services Amendment Act, 1967* is amended by adding thereto the following clauses:

(da) governing the terms and conditions upon which tickets may be sold;

(db) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Commuter Services Amendment Act, 1970*.

SECTION 3. The Lieutenant Governor in Council is authorized to make regulations in respect of the matters set out in clauses *da* and *db*.

An Act to amend
The Commuter Services Act, 1965

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

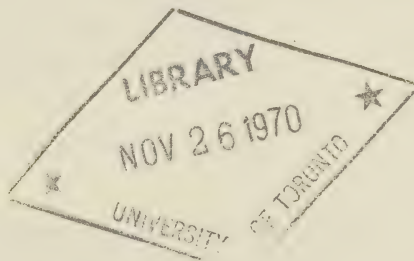
MR. GOMME

BILL 198

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Commuter Services Act, 1965

MR. GOMME



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 198

1970

An Act to amend The Commuter Services Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Commuter Services Act*, 1965, c. 17, s. 3, subs. 1, 1965 is repealed and the following substituted therefor: re-enacted

(1) Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, Establishment and operation of commuter services

(a) establish and operate; and

(b) with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of,

commuter services to serve any one or more areas in Ontario.

2. Subsection 1 of section 4 of *The Commuter Services Act*, 1965, c. 17, s. 4, subs. 1, 1965, as amended by subsection 1 of section 1 of *The Commuter Services Amendment Act*, 1966, is further amended by striking out "by agreement" in the ninth line, so that the subsection shall read as follows: amended

(1) The Minister may, Acquisition of property

(a) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and

(b) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided under section 3.

1965, c. 17, s. 4a
(1967, c. 10, s. 1),
amended

3. Section 4a of *The Commuter Services Act, 1965*, as enacted by section 1 of *The Commuter Services Amendment Act, 1967* is amended by adding thereto the following clauses:

(da) governing the terms and conditions upon which tickets may be sold;

(db) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Commuter Services Amendment Act, 1970*.

An Act to amend
The Commuter Services Act, 1965

1st Reading

October 15th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

MR. GOMME

BILL 199

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Public Works Act

MR. SIMONETT



EXPLANATORY NOTES

SECTION 1. The provision for the appointment of staff is brought up to date and in line with *The Public Service Act, 1961-62*. Specific provision is made for the office of Queen's Printer and Publisher.

SECTION 2. The provision for tendering is rewritten.

BILL 199

1970

An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 4, re-enacted

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department. Staff 1961-62, c. 121

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister. Queen's Printer and Publisher

2. Subsections 1, 2 and 3 of section 5 of *The Public Works Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 5, subs. 1, 2, re-enacted; subs. 3, repealed

(1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall, invite tenders therefor except, Tenders for public works

(a) in cases of emergency where delay would be damaging; or

(b) where, in the opinion of the Minister, the nature of the work is such that it is not advisable to invite tenders.

(2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act. Security for performance

R.S.O. 1960,
c. 338, s. 8,
re-enacted

3. Section 8 of *The Public Works Act* is repealed and the following substituted therefor:

Power to
contract

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and shall have the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the government, by sale, lease or otherwise, property real or personal, including any interest or title therein.

Disposal of
real
property

(2) Any disposal by the Minister of real property or any grant of lease of or interest in real property for a term in excess of ten years is subject to the approval of the Lieutenant Governor in Council.

R.S.O. 1960,
c. 338, ss. 17,
18, 19,
re-enacted
ss. 20-36,
repealed

4. Sections 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of *The Public Works Act* are repealed and the following substituted therefor:

Functions of
Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

- (a) acquire, lease and dispose of public works;
- (b) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;
- (c) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,
 - (i) regulating vehicular and pedestrian traffic,
 - (ii) setting apart any such buildings, premises or part for a limited use, and
 - (iii) fixing and collecting fees for parking in any area set apart for the purpose;
- (d) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government;

SECTION 3. The amendment incorporates the present subsection 1 of section 5 of the Act and section 8 into one provision.

SECTION 4. The provisions repealed provide for expropriations now covered by *The Expropriations Act, 1968-69*. The functions of the Department are set out and provision for internal delegation is added. Also provision is made for the matters set out in the proposed section 19 of the Act to be dealt with by regulation.

- (e) purchase services and materiel for the government;
- (f) govern the acquisition of materiel by the government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;
- (g) provide such other services as the Lieutenant Governor in Council assigns.

18. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than ^{Delegation of authority} the power to expropriate, he may delegate that power or authority to the Deputy Minister, or to any other person employed in the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may impose and set out.
19. The Lieutenant Governor in Council may make ^{Regulations} regulations,
- (a) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;
 - (b) prescribing fees for the use of property belonging to or controlled by the government, including plans, specifications, facilities and equipment;
 - (c) for the preservation and management of any public building.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
ment

6. This Act may be cited as *The Public Works Amendment* ^{Short title} Act, 1970.

An Act to amend
The Public Works Act

1st Reading

October 15th, 1970

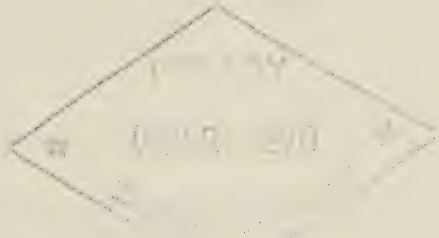
2nd Reading

3rd Reading

MR. SIMONETT

BILL 199

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Public Works Act

MR. SIMONETT

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The provision for the appointment of staff is brought up to date and in line with *The Public Service Act, 1961-62*. Specific provision is made for the office of Queen's Printer and Publisher.

SECTION 2. The provision for tendering is rewritten.

BILL 199

1970

An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 338, s. 4,
re-enacted

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department. Staff
1961-62,
c. 121

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister. Queen's
Printer
and
Publisher



2. Subsections 1, 2 and 3 of section 5 of *The Public Works Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 338, s. 5,
subss. 1, 2,
re-enacted;
subs. 3,
repealed

(1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor except, Tenders for
public works

(a) in cases of emergency where in the opinion of the Minister delay would be damaging; or

(b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause a to the Legislature annually.

(2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act. Security for
performance

R.S.O. 1960,
c. 338, s. 8,
re-enacted

3. Section 8 of *The Public Works Act* is repealed and the following substituted therefor:

Power to
contract

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and shall have the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the government, by sale, lease or otherwise, property real or personal, including any interest or title therein.

Disposal of
real
property

(2) Any disposal by the Minister of real property or any grant or lease of, or of an interest in, real property is subject to the approval of the Lieutenant Governor in Council.

R.S.O. 1960,
c. 338, ss. 17,
18, 19,
re-enacted
ss. 20-36,
repealed

4. Sections 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of *The Public Works Act* are repealed and the following substituted therefor:

Functions of
Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

- (a) acquire, lease and dispose of public works;
- (b) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;
- (c) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,
 - (i) regulating vehicular and pedestrian traffic,
 - (ii) setting apart any such buildings, premises or part for a limited use, and
 - (iii) fixing and collecting fees for parking in any area set apart for the purpose;
- (d) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government;

SECTION 3. The amendment incorporates the present subsection 1 of section 5 of the Act and section 8 into one provision.

SECTION 4. The provisions repealed provide for expropriations now covered by *The Expropriations Act, 1968-69*. The functions of the Department are set out and provision for internal delegation is added. Also provision is made for the matters set out in the proposed section 19 of the Act to be dealt with by regulation.

- (e) purchase services and materiel for the government;
- (f) govern the acquisition of materiel by the government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;
- (g) provide such other services as the Lieutenant Governor in Council assigns.

18. Where, under this or any other Act, power or ^{Delegation of} authority is granted to or vested in the Minister, ^{authority} other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

19. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;
- (b) prescribing fees for the use of property belonging to or controlled by the government, including plans, specifications, facilities and equipment;
- (c) for the preservation and management of any public building.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The Public Works Amendment Act, 1970*. ^{Short title}

An Act to amend
The Public Works Act

1st Reading

October 15th, 1970

2nd Reading

November 12th, 1970

3rd Reading

MR. SIMONETT

(*Reprinted as amended by the Committee
of the Whole House*)

BILL 199

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Public Works Act

MR. SIMONETT

BILL 199

1970

An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 338, s. 4,
re-enacted

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department. Staff
1961-62,
c. 121

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister. Queen's
Printer
and
Publisher

2. Subsections 1, 2 and 3 of section 5 of *The Public Works Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 338, s. 5,
subs. 1, 2,
re-enacted;
subs. 3,
repealed

(1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor except, Tenders for
public works

(a) in cases of emergency where in the opinion of the Minister delay would be damaging; or

(b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature annually.

(2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act. Security for
performance

R.S.O. 1960,
c. 338, s. 8,
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3. Section 8 of *The Public Works Act* is repealed and the following substituted therefor:

Power to
contract

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and shall have the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the government, by sale, lease or otherwise, property real or personal, including any interest or title therein.

Disposal of
real
property

(2) Any disposal by the Minister of real property or any grant or lease of, or of an interest in, real property is subject to the approval of the Lieutenant Governor in Council.

R.S.O. 1960,
c. 338, ss. 17,
18, 19,
re-enacted
ss. 20-36,
repealed

4. Sections 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of *The Public Works Act* are repealed and the following substituted therefor:

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Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

- (a) acquire, lease and dispose of public works;
- (b) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;
- (c) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,
 - (i) regulating vehicular and pedestrian traffic,
 - (ii) setting apart any such buildings, premises or part for a limited use, and
 - (iii) fixing and collecting fees for parking in any area set apart for the purpose;
- (d) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government;

- (e) purchase services and materiel for the government;
- (f) govern the acquisition of materiel by the government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;
- (g) provide such other services as the Lieutenant Governor in Council assigns.

18. Where, under this or any other Act, power or ^{Delegation of authority} authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

19. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;
- (b) prescribing fees for the use of property belonging to or controlled by the government, including plans, specifications, facilities and equipment;
- (c) for the preservation and management of any public building.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
ment

6. This Act may be cited as *The Public Works Amendment* ^{Short title} Act, 1970.

An Act to amend
The Public Works Act

1st Reading

October 15th, 1970

2nd Reading

November 12th, 1970

3rd Reading

November 13th, 1970

MR. SIMONETT

BILL 200

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Real Estate and Business Brokers Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

These amendments extend the prospectus requirements which used to apply only to subdivision lots or units outside Ontario, so that they now apply to subdivision lots or units in the province as well.

BILL 200

1970

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 54b of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is ^{R.S.O. 1960, c. 344, s. 54b (1962-63, c. 123, s. 24), subs. 1, re-enacted} repealed and the following substituted therefor:

- (1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof. ^{Sale of subdivision land}

2. Subsection 1 of section 54c of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63* and amended by section 12 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is ^{R.S.O. 1960, c. 344, s. 54c (1962-63, c. 123, s. 24), subs. 1, re-enacted} repealed and the following substituted therefor:

- (1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision unless, ^{Prospectus to be delivered to purchaser}
- (a) a copy of the prospectus referred to in section 54b or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;

(b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and

(c) he is a registered broker or the contract is negotiated by a registered broker.

R.S.O. 1960, c. 344, s. 54*k*
(1968-69, c. 105, s. 15),
re-enacted **3.** Section 54*k* of *The Real Estate and Business Brokers Act*, as enacted by section 15 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Approval of advertisements **54*k*.** No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision until the advertisement has been approved by the Registrar.

Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title **5.** This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1970*.

An Act to amend
The Real Estate and Business Brokers Act

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

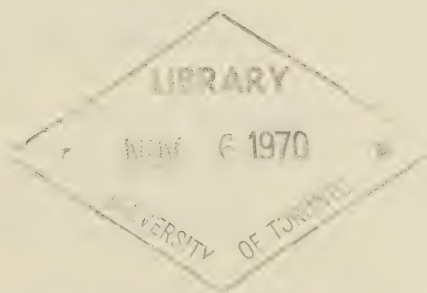
MR. SEULMAN

BILL 201

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Centennial Centre of Science and Technology Act, 1965**

MR. AULD



EXPLANATORY NOTES

SECTIONS 1, 2 AND 3. The amendments change the name of The Centennial Centre of Science and Technology to The Ontario Science Centre.

SECTION 4. The quorum of the board is changed from a majority to seven.

BILL 201

1970

An Act to amend The Centennial Centre of Science and Technology Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title of *The Centennial Centre of Science and Technology Act, 1965* is amended by striking out "The Centennial Centre of Science and Technology" in the second and third lines and inserting in lieu thereof "The Ontario Science Centre", so that the long title shall read as follows:

An Act to provide for the Establishment
and Operation of
The Ontario Science Centre.

2. Clause *b* of section 1 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor:

(b) "Centre" means The Ontario Science Centre.

3. Subsection 1 of section 2 of *The Centennial Centre of Science and Technology Act, 1965* is amended by striking out "The Centennial Centre of Science and Technology" in the third and fourth lines and inserting in lieu thereof "The Ontario Science Centre", so that the subsection shall read as follows:

(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of The Ontario Science Centre, and the corporation shall consist of not fewer than sixteen and not more than twenty-six trustees.

4. Subsection 4 of section 3 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor:

(4) Seven trustees constitute a quorum.

Quorum

1965, c. 12,
s. 8,
re-enacted

5. Section 8 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor:

Exemption
from
taxation

8. The Centre and its real and personal property, business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature.

1965, c. 12,
s. 13,
re-enacted

6. Section 13 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor:

Short title

13. This Act may be cited as *The Ontario Science Centre Act, 1965*.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Centennial Centre of Science and Technology Amendment Act, 1970*.

SECTION 5. The amendment adds the Centre itself to the matters exempt from taxation to ensure that the exemption includes taxes not based on property, business or income.

SECTION 6. Complementary to sections 1, 2 and 3 of the Bill.

An Act to amend
The Centennial Centre of Science
and Technology Act, 1965

1st Reading

October 22nd, 1970

2nd Reading

3rd Reading

MR. AULD

BILL 202

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Income Tax Act, 1961-62

MR. WHITE



EXPLANATORY NOTE

The amendment provides that the tax payable by individuals for the 1971 taxation year shall be 28 per cent of the basic tax payable under the federal Act for that taxation year.

BILL 202

1970

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*,^{1961-62, c. 60, s. 3,} as amended by section 1 of *The Income Tax Amendment Act, 1965*,^{subs. 3, amended} subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968* and section 1 of *The Income Tax Amendment Act, 1968-69* is further amended by striking out "and" at the end of clause *g* in the amendment of 1968-69, by adding "and" at the end of clause *h* in the amendment of 1968-69 and by adding thereto the following clause:

(i) 28 per cent in respect of the 1971 taxation year.

2. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Income Tax Amendment Act, 1970* (No. 2).^{Short title}

BILL 202

An Act to amend
The Income Tax Act, 1961-62

1st Reading

October 23rd, 1970

2nd Reading

3rd Reading

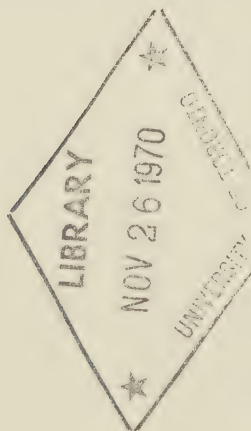
MR. WHITE

BILL 202

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Income Tax Act, 1961-62

MR. WHITE



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 202

1970

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*, ^{1961-62, c. 60, s. 3, subs. 3, amended} as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968* and section 1 of *The Income Tax Amendment Act, 1968-69* is further amended by striking out "and" at the end of clause g in the amendment of 1968-69, by adding "and" at the end of clause h in the amendment of 1968-69 and by adding thereto the following clause:

(i) 28 per cent in respect of the 1971 taxation year.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Income Tax Amendment Act, 1970* (No. 2). ^{Short title}

An Act to amend
The Income Tax Act, 1961-62

1st Reading

October 23rd, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. WHITE

BILL 203

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Traffic Act

MR. HASKETT



EXPLANATORY NOTES

The Bill provides amendments to Part XVI which was passed at the current session.

SECTION 1. The definitions of dual and triple axles are rewritten.

SECTION 2. The amendment clarifies the application of the section.

BILL 203

1970

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 160 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172,
s. 160
(1970, c. 74,
s. 9),
subs. 1,
cl. *h*,
re-enacted

(*h*) “dual axle” means any two consecutive axles whose centres are more than 40 inches apart and,

(i) are articulated from a common attachment to the vehicle, or

(ii) designed to equalize the load between the two axles.

(2) Clause *j* of subsection 1 of the said section 160 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172,
s. 160 (1970,
c. 74, s. 9),
subs. 1,
cl. *j*,
re-enacted

(*j*) “triple axle” means any three consecutive axles, whose consecutive centres are more than 40 inches apart, and,

(i) are articulated from an attachment to the vehicle common to the consecutive axles, or

(ii) designed to equalize the load between the three axles.

2. Subsection 1 of section 170 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172,
s. 170
(1970,
c. 74, s. 9),
subs. 1,
re-enacted

(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles

Application
of Part VI
or XVI
after
March 1st,
1971

may be operated on a highway only in accordance with and subject to the provisions of this Part, sections 53, 56, 57 and 58 or of Part VI.

R.S.O. 1960,
c. 172,
Part XVI
(1970, c. 74,
s. 9),
Tables 1, 2,
re-enacted

3. Tables 1 and 2 of Part XVI of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, are repealed and the following substituted therefor:

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
40 or less	20,000
More than 40 and less than 48	32,000
48 " " " 51	35,000
51 " " " 54	35,500
54 " " " 57	36,000
57 " " " 60	36,500
60 " " " 63	37,500
63 " " " 66	38,000
66 " " " 69	38,500
69 " " " 72	39,000
72 or more	40,000

SECTION 3. Tables 1 and 2 of Part XVI are revised.

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
80 or less	35,000
More than 80 and less than 96	40,000
96 " " " 111	44,000
111 " " " 114	44,500
114 " " " 117	45,000
117 " " " 120	45,500
120 " " " 123	46,000
123 " " " 126	46,500
126 " " " 129	47,500
129 " " " 132	48,000
132 " " " 135	49,000
135 " " " 138	49,500
138 " " " 141	50,000
141 " " " 144	50,500
144 " " " 147	51,000
147 " " " 150	51,500
150 " " " 153	52,500
153 " " " 156	53,000
156 " " " 159	54,000
159 " " " 162	54,500
162 " " " 165	55,000
165 " " " 168	55,500
168 " " " 171	56,000
171 " " " 174	56,500
174 " " " 177	57,000
177 " " " 180	57,500
180 " " " 183	58,500
183 " " " 186	59,000
186 " " " 189	59,500
189 " " " 192	59,500
192 or more	60,000

4. This Act comes into force on the 1st day of March, 1971. Commence-
ment

5. This Act may be cited as *The Highway Traffic Amend-^{Short title}*
ment Act, 1970. (No. 2).

An Act to amend
The Highway Traffic Act

1st Reading

October 26th, 1970

2nd Reading

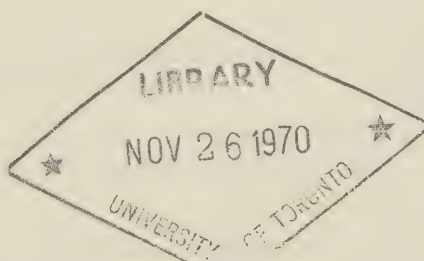
3rd Reading

MR. HASKETT

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Traffic Act

MR. HASKETT



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 160 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172,
s. 160
(1970, c. 74,
s. 9),
subs. 1,
cl. *h*,
re-enacted

(*h*) “dual axle” means any two consecutive axles whose centres are more than 40 inches apart and,

(i) are articulated from a common attachment to the vehicle, or

(ii) designed to equalize the load between the two axles.

(2) Clause *j* of subsection 1 of the said section 160 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172,
s. 160 (1970,
c. 74, s. 9),
subs. 1,
cl. *j*,
re-enacted

(*j*) “triple axle” means any three consecutive axles, whose consecutive centres are more than 40 inches apart, and,

(i) are articulated from an attachment to the vehicle common to the consecutive axles, or

(ii) designed to equalize the load between the three axles.

R.S.O. 1960,
c. 172,
s. 170
(1970,
c. 74, s. 9),
subs. 1,
re-enacted

2. Subsection 1 of section 170 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor:

Application
of Part VI
or XVI
after
March 1st,
1971

(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles

may be operated on a highway only in accordance with and subject to the provisions of this Part, sections 53, 56, 57 and 58 or of Part VI.

R.S.O. 1960,
c. 172,
Part XVI
(1970, c. 74,
s. 9),
Tables 1, 2,
re-enacted

3. Tables 1 and 2 of Part XVI of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, are repealed and the following substituted therefor:

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
40 or less	20,000
More than 40 and less than 48	32,000
48 " " " 51	35,000
51 " " " 54	35,500
54 " " " 57	36,000
57 " " " 60	36,500
60 " " " 63	37,500
63 " " " 66	38,000
66 " " " 69	38,500
69 " " " 72	39,000
72 or more	40,000

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
80 or less	35,000
More than 80 and less than 96	40,000
96 " " " 111	44,000
111 " " " 114	44,500
114 " " " 117	45,000
117 " " " 120	45,500
120 " " " 123	46,000
123 " " " 126	46,500
126 " " " 129	47,500
129 " " " 132	48,000
132 " " " 135	49,000
135 " " " 138	49,500
138 " " " 141	50,000
141 " " " 144	50,500
144 " " " 147	51,000
147 " " " 150	51,500
150 " " " 153	52,500
153 " " " 156	53,000
156 " " " 159	54,000
159 " " " 162	54,500
162 " " " 165	55,000
165 " " " 168	55,500
168 " " " 171	56,000
171 " " " 174	56,500
174 " " " 177	57,000
177 " " " 180	57,500
180 " " " 183	58,500
183 " " " 186	59,000
186 " " " 189	59,500
189 " " " 192	59,500
192 or more	60,000

4. This Act comes into force on the 1st day of March, 1971. Commence-
ment

5. This Act may be cited as *The Highway Traffic Amend-* Short title
ment Act, 1970. (No. 2).

An Act to amend
The Highway Traffic Act

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. HASKETT

AZON
B
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BILL 204

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend The Motor Vehicle
Accident Claims Act, 1961-62**

MR. HASKETT

EXPLANATORY NOTE

The amendments are complementary to the re-enactment of Part XII of *The Highway Traffic Act* at the current session. References to the repealed sections of *The Highway Traffic Act* are deleted from the affected sections.

The amendments also remove the provisions for mandatory suspension of an owner's permit from sections 5 and 9 of the Act.

BILL 204

1970

**An Act to amend
The Motor Vehicle Accident Claims
Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

1961-62,
c. 84, s. 1,
cl. *d*,
subcl. ii,
re-enacted

- (ii) in respect of which there is on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability prescribed under section 216 of *The Insurance Act*, or

R.S.O. 1960,
c. 190

2.—(1) Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

1961-62,
c. 84, s. 2,
subs. 2,
re-enacted

- (2) Unless the owner of a motor vehicle,

Uninsured
motor
vehicle fee

- (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 216 of *The Insurance Act*; or

- (b) has on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability provided under section 216 of *The Insurance Act*; or

- (c) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality,

R.S.O. 1960,
c. 172

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

1961-62,
c. 84, s. 2,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Uninsured
motor
vehicle fee
payable on
cancellation
of
insurance,
etc.

(5) When the owner of a motor vehicle,

(a) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or

(b) has on deposit with the Registrar securities or a bond as required under clause *b* of subsection 2 and the securities or bond, as the case may be, are cancelled,

the owner shall pay forthwith the uninsured motor vehicle fee.

1961-62,
c. 84, s. 3,
subss. 3, 4
(1964, c. 66,
s. 3),
re-enacted

3. Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by section 3 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, are repealed and the following substituted therefor:

Offence
for failure
to produce
evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Offence for
producing
false
evidence

(4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition his licence may be suspended for a period of not more than one year.

1961-62,
c. 84, s. 5,
subs. 5
(1964, c. 66,
s. 4, subs. 1),
re-enacted

4.—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by subsection 1 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

- (5) Where payment is made under subsection 3, the driver's licence of the person to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person has,

- (a) repaid in full to the Fund the amount paid out; or
- (b) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10.

(2) Subsection 6 of the said section 5, as amended by subsection 2 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

- (6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence of such person.

5. Section 9 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver's licence of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has,

- (a) repaid in full to the Fund the amount paid out; or
- (b) commenced instalment repayments in accordance with section 10 and the regulations made thereunder.

6. Section 26a of *The Motor Vehicle Accident Claims Act, 1961-62*, as enacted by section 8 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed.

7. This Act comes into force on the 1st day of December, 1970.

8. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1970*.

An Act to amend
The Motor Vehicle Accident
Claims Act, 1961-62

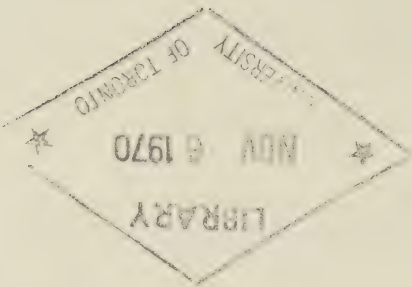
1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. HASKETT

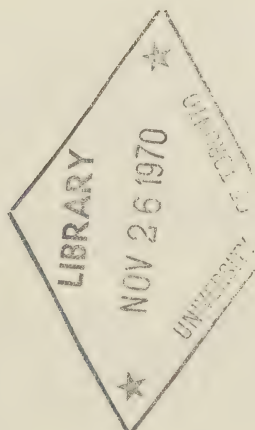


BILL 204

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend The Motor Vehicle
Accident Claims Act, 1961-62**

MR. HASKETT



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 204

1970

**An Act to amend
The Motor Vehicle Accident Claims
Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

1961-62,
c. 84, s. 1,
cl. *d*,
subcl. ii,
re-enacted

- (ii) in respect of which there is on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability prescribed under section 216 of *The Insurance Act*, or

R.S.O. 1960,
c. 190

2.—(1) Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

1961-62,
c. 84, s. 2,
subs. 2,
re-enacted

- (2) Unless the owner of a motor vehicle,

Uninsured
motor
vehicle fee

- (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 216 of *The Insurance Act*; or

- (b) has on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability provided under section 216 of *The Insurance Act*; or

- (c) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality,

R.S.O. 1960,
c. 172

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

1961-62,
c. 84, s. 2,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Uninsured
motor
vehicle fee
payable on
cancellation
of
insurance,
etc.

(5) When the owner of a motor vehicle,

(a) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or

(b) has on deposit with the Registrar securities or a bond as required under clause *b* of subsection 2 and the securities or bond, as the case may be, are cancelled,

the owner shall pay forthwith the uninsured motor vehicle fee.

1961-62,
c. 84, s. 3,
subs. 3, 4
(1964, c. 66,
s. 3),
re-enacted

3. Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by section 3 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, are repealed and the following substituted therefor:

Offence
for failure
to produce
evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Offence for
producing
false
evidence

(4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition his licence may be suspended for a period of not more than one year.

1961-62,
c. 84, s. 5,
subs. 5,
(1964, c. 66,
s. 4, subs. 1),
re-enacted

4.—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by subsection 1 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

- (5) Where payment is made under subsection 3, the driver's licence of the person to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person has,

- (a) repaid in full to the Fund the amount paid out; or
- (b) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10.

(2) Subsection 6 of the said section 5, as amended by subsection 2 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

- (6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence of such person.

5. Section 9 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver's licence of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has,

- (a) repaid in full to the Fund the amount paid out; or
- (b) commenced instalment repayments in accordance with section 10 and the regulations made thereunder.

6. Section 26a of *The Motor Vehicle Accident Claims Act, 1961-62*, as enacted by section 8 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed.

7. This Act comes into force on the 1st day of December, 1970.

8. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1970*.

An Act to amend
The Motor Vehicle Accident
Claims Act, 1961-62

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. HASKETT

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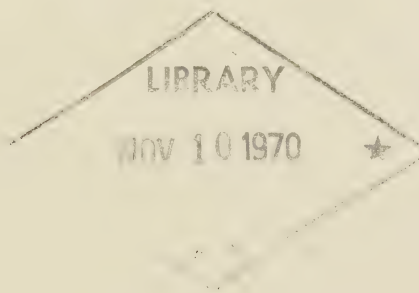
Government
Publications

BILL 205

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Forestry Act

MR. BRUNELLE



EXPLANATORY NOTE

"Municipality" is defined to include a district municipality and a regional municipality.

BILL 205

1970

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forestry Act*, as amended by section 1 of ^{R.S.O. 1960,} *The Forestry Amendment Act, 1961-62* and section 1 of ^{c. 153, s. 1,} *The Forestry Amendment Act, 1967*, is further amended by adding thereto the following clause:

(ab) "municipality" includes a district municipality and a regional municipality.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Forestry Amendment* ^{Short title} *Act, 1970*.

An Act to amend
The Forestry Act

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 205

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Forestry Act

Mr. BRUNELLE

BILL 205

1970

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forestry Act*, as amended by section 1 of ^{R.S.O. 1960,} *The Forestry Amendment Act, 1961-62* and section 1 of ^{c. 153, s. 1,} *The Forestry Amendment Act, 1967*, is further amended by adding thereto the following clause:

(ab) "municipality" includes a district municipality and a regional municipality.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Forestry Amendment* ^{Short title} *Act, 1970.*

An Act to amend
The Forestry Act

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

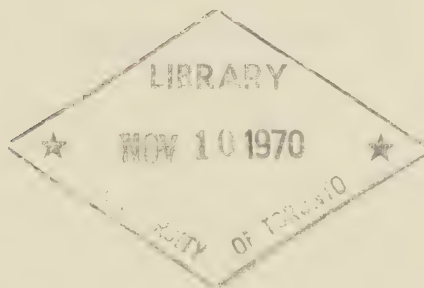
MR. BRUNELLE

BILL 206

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Trees Act

MR. BRUNELLE



EXPLANATORY NOTE

A new definition of county is added for the purposes of giving district and regional municipalities the powers of counties under the Act.

BILL 206

1970

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act*, as re-enacted by section 1 of R.S.O. 1960, c. 406, s. 1 *The Trees Amendment Act, 1967*, is repealed and the following (1967, c. 103, s. 1), re-enacted substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "county" includes a district municipality and a regional municipality;
- (b) "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Trees Amendment Act, 1970*. Short title

An Act to amend
The Trees Act

1st Reading

October 26th, 1970

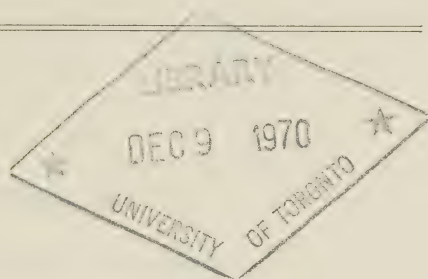
2nd Reading

3rd Reading

MR. BRUNELLE

BILL 206

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Trees Act

MR. BRUNELLE

BILL 206

1970

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act*, as re-enacted by section 1 of R.S.O. 1960, c. 406, s. 1, *The Trees Amendment Act, 1967*, is repealed and the following (1967, c. 103, s. 1), substituted therefor: re-enacted

1. In this Act,

Interpre-
tation

(a) "county" includes a district municipality and a regional municipality;

(b) "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Trees Amendment Act*, Short title
1970.

An Act to amend
The Trees Act

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

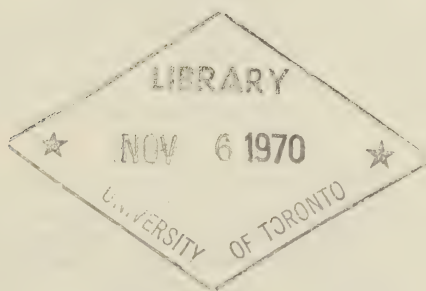
MR. BRUNELLE

BILL 207

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Provincial Land Tax Act, 1961-62

MR. BRUNELLE



EXPLANATORY NOTES

SECTION 1.—Subsection 1. The liability to assessment and taxation of machinery used for the production of power for sale is removed.

Subsection 2. Facilities owned by school boards in territory without municipal organization in respect of which a grant has been made under *The Community Centres Act* are exempted from taxation.

BILL 207

1970

An Act to amend The Provincial Land Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 10 of subsection 1 of section 3 of *The Provincial Land Tax Act, 1961-62* is amended by striking out “or for producing power for sale” in the sixth line, so that the paragraph shall read as follows:

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

(2) Subsection 1 of the said section 3 is amended by adding thereto the following paragraph:

16. The buildings and grounds of an athletic field, an outdoor swimming pool, an outdoor skating rink or a community hall owned by a board as defined in *The Schools Administration Act* and having jurisdiction

only in territory without municipal organization and in respect of which a grant has been made under *The Community Centres Act*.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Provincial Land Tax Amendment Act, 1970*.

An Act to amend
The Provincial Land Tax Act, 1961-62

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 207

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Provincial Land Tax Act, 1961-62

MR. BRUNELLE

BILL 207

1970

An Act to amend The Provincial Land Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 10 of subsection 1 of section 3 of *The Provincial Land Tax Act, 1961-62* is amended by striking out “or for producing power for sale” in the sixth line, so that the paragraph shall read as follows: 1961-62,
c. 111, s. 3,
subs. 1,
par. 10,
amended

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service. Machinery

(2) Subsection 1 of the said section 3 is amended by adding thereto the following paragraph: 1961-62,
c. 111, s. 3,
subs. 1,
amended

16. The buildings and grounds of an athletic field, an outdoor swimming pool, an outdoor skating rink or a community hall owned by a board as defined in *The Schools Administration Act* and having jurisdiction Community
centres

R.S.O. 1960,
cc. 60, 361

only in territory without municipal organization and in respect of which a grant has been made under *The Community Centres Act*.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Provincial Land Tax Amendment Act, 1970*.

An Act to amend
The Provincial Land Tax Act, 1961-62

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

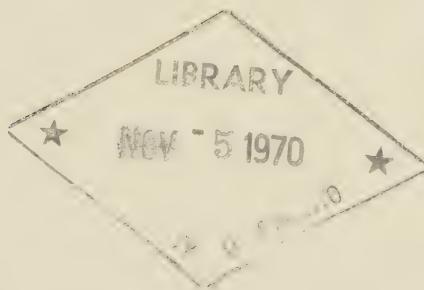
November 5th, 1970

MR. BRUNELLE

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Gasoline Handling Act, 1968-69

MR. BALES



EXPLANATORY NOTE

The administration of the Act is transferred to the Minister of Labour.

BILL 208

1970

**An Act to amend
The Gasoline Handling Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Gasoline Handling Act*, ^{1968-69,}
1968-69 is repealed and the following substituted therefor: ^{c. 41, s. 1,}
^{cl. *j*,}
^{re-enacted}

(*j*) “Minister” means the Minister of Labour.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Gasoline Handling Amend-* ^{Short title}
ment Act, 1970.

An Act to amend
The Gasoline Handling Act, 1968-69

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. BATES

BILL 208

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend The Gasoline Handling Act, 1968-69**

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 208

1970

**An Act to amend
The Gasoline Handling Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Gasoline Handling Act*, ^{1968-69,}
1968-69 is repealed and the following substituted therefor: ^{c. 41, s. 1,}
^{cl. j,}
^{re-enacted}

(*j*) “Minister” means the Minister of Labour.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Gasoline Handling Amend-* ^{Short title}
ment Act, 1970.

An Act to amend
The Gasoline Handling Act, 1968-69

1st Reading

October 26th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

Mr. BALES

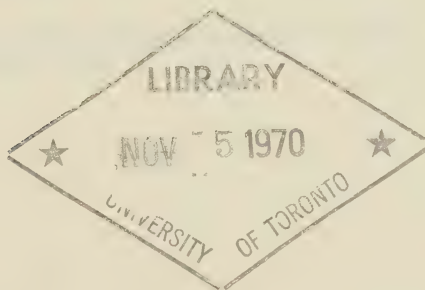
BILL 209

56

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend The Department of Financial
and Commercial Affairs Act, 1966**

MR. LAWRENCE (Carleton East)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the appointment of a Registrar for the Tribunal and authorizes the Registrar and members of the Tribunal to administer oaths for the purposes of its proceedings.

BILL 209

1970

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8a of *The Department of Financial and Commercial Affairs Act, 1966*, as enacted by section 2 of *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*, is amended by adding thereto the following subsections:

(11) The Lieutenant Governor in Council may appoint a Registrar of the Tribunal who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Tribunal.

(12) The Registrar for the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1970*.

An Act to amend
The Department of Financial and
Commercial Affairs Act, 1966

1st Reading

October 27th, 1970

2nd Reading

3rd Reading

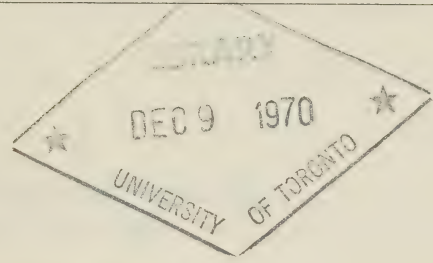
MR. LAWRENCE (Carleton East)

3
356

Government
Publication

BILL 209

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



**An Act to amend The Department of Financial
and Commercial Affairs Act, 1966**

MR. LAWRENCE (Carleton East)

BILL 209

1970

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8a of *The Department of Financial and Commercial Affairs Act, 1966*, as enacted by section 2 of *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*, is amended by adding thereto the following subsections:

(11) The Lieutenant Governor in Council may appoint a Registrar of the Tribunal who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Tribunal.

(12) The Registrar for the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1970*.

An Act to amend
The Department of Financial and
Commercial Affairs Act, 1966

1st Reading

October 27th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

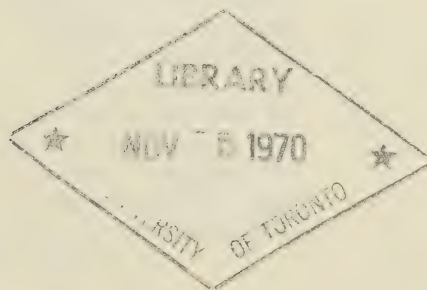
MR. LAWRENCE (Carleton East)

BILL 210

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Residential Property Tax Reduction Act, 1968**

MR. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill implements the recently announced Government program to reduce the amount of property taxes paid by pensioners.

BILL 210

1970

**An Act to amend
The Residential Property Tax
Reduction Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Residential Property Tax Reduction Act, 1968* is ^{1968,} amended by adding thereto the following sections: ^{c. 118,} amended

8a.—(1) Commencing in the year 1970 and in respect of each year thereafter, the Treasurer of Ontario shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Minister, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). <sup>Supple-
mentary
tax
assistance
to certain
pensioners</sup> <sup>R.S.C. 1952,
c. 200</sup>

(2) Where a person is eligible for a payment under subsection 1 and he or his spouse is entitled to a reduction in municipal taxes under section 2 in respect of the property in which he or she resides, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person shall, subject to subsection 3, be entitled to be paid by the Treasurer of Ontario for each year, upon submission of an application, in a form prescribed by the Minister, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to, <sup>Additional
payment</sup>

(a) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse after the reduction made under section 2 in that year for such property further reduced by the sum of \$50; or

- (b) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Minister, reduced by the sum of \$50.

Maximum
additional
payment
\$50

- (3) No payment under subsection 2 shall exceed \$50.

Regulations

- 8b. The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations extending the eligibility for payments under section 8a to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1952,
c. 200

Idem

- 8c. The Minister may make regulations,

- (a) prescribing a date or dates for the purposes of subsections 1 and 2 of section 8a;
- (b) prescribing forms of application for the purposes of section 8a;
- (c) generally for the administration of section 8a.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1970* (No. 2).

An Act to amend
The Residential Property Tax
Reduction Act, 1968

1st Reading

October 28th, 1970

2nd Reading

3rd Reading

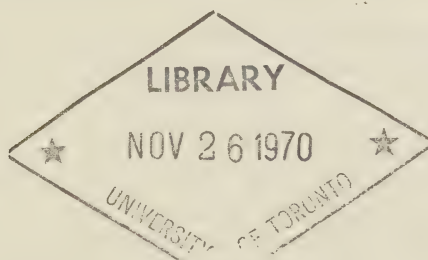
MR. McKEOUGH

BILL 210

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Residential Property Tax Reduction Act, 1968**

MR. McKEOUGH



BILL 210

1970

**An Act to amend
The Residential Property Tax
Reduction Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Residential Property Tax Reduction Act, 1968* is ^{1968,} amended by adding thereto the following sections: ^{c. 118,} amended

8a.—(1) Commencing in the year 1970 and in respect of each year thereafter, the Treasurer of Ontario shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Minister, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). <sup>Supple-
mentary
tax
assistance
to certain
pensioners</sup> <sup>R.S.C. 1952,
c. 200</sup>

(2) Where a person is eligible for a payment under subsection 1 and he or his spouse is entitled to a reduction in municipal taxes under section 2 in respect of the property in which he or she resides, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person shall, subject to subsection 3, be entitled to be paid by the Treasurer of Ontario for each year, upon submission of an application, in a form prescribed by the Minister, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to, <sup>Additional
payment</sup>

(a) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse after the reduction made under section 2 in that year for such property further reduced by the sum of \$50; or

- (b) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Minister, reduced by the sum of \$50.

Maximum
additional
payment
\$50

- (3) No payment under subsection 2 shall exceed \$50.

Regulations

- 8b. The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations extending the eligibility for payments under section 8a to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1952,
c. 200

Idem

- 8c. The Minister may make regulations,

- (a) prescribing a date or dates for the purposes of subsections 1 and 2 of section 8a;
- (b) prescribing forms of application for the purposes of section 8a;
- (c) generally for the administration of section 8a.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1970* (No. 2).

An Act to amend
The Residential Property Tax
Reduction Act, 1968

1st Reading

October 28th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

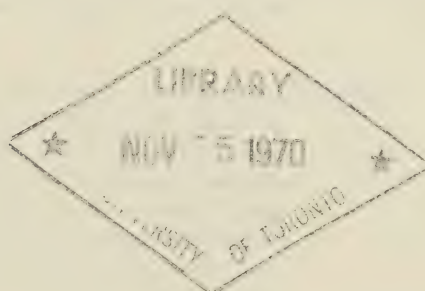
MR. McKEOUGH

BILL 211

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Division Courts Act

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1, 2, 3, and 4. The name of division courts is changed to small claims courts.

BILL 211

1970

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The title to *The Division Courts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 110,
title
re-enacted

The Small Claims Courts Act.

(2) A reference to *The Division Courts Act* in any statute, regulation or document shall be deemed to be a reference to *The Small Claims Courts Act*.

References

2. Sections 3 and 4 of *The Division Courts Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 110,
ss. 3, 4,
re-enacted

3. Subject to this Act and the rules, the division courts existing on the day section 2 of *The Division Courts Amendment Act, 1970* comes into force are continued and shall be known as small claims courts.
4. The court in each division shall be called "The First (or as the case may be) Small Claims Court of the County of".

Small
claims
courts

Name

3.—(1) After this section comes into force, the division courts and division court judges, clerks and bailiffs shall be known and referred to as small claims courts, and small claims court judges, clerks and bailiffs, and nothing in section 1 or 2 shall be construed to affect the continuance of any action, proceeding or other matter or any process commenced in or issued from a division court before this section comes into force, under the name as changed to the small claims court.

Designation
of courts

(2) Every reference to division courts or to any judge, officer, office or process thereof in any statute, regulation or document shall be deemed to be a reference to the small claims court for the same division or to a judge, officer, office or process thereof, as the case may be.

References

R.S.O. 1960,
c. 110,
s. 11 a
(1961-62,
c. 35, s. 2),
re-enacted

4. Section 11a of *The Division Courts Act*, as enacted by section 2 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appoint-
ment of
judges

11a.—(1) The Lieutenant Governor in Council may appoint small claims court judges.

Idem

(2) Division court judges who are in office when section 3 of *The Division Courts Amendment Act, 1970* comes into force shall continue in office as small claims court judges.

R.S.O. 1960,
c. 110, s. 19,
re-enacted

5. Section 19 of *The Division Courts Act* is repealed and the following substituted therefor:

Holiday
defined

19.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the small claims court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office
hours

(2) Except on holidays when they shall be closed, every small claims court office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960,
c. 110, s. 31
(1968, c. 31,
s. 4),
amended

6. Section 31 of *The Division Courts Act*, as re-enacted by section 4 of *The Division Courts Amendment Act, 1968*, is amended by striking out “and emoluments” in the first line, so that the section shall read as follows:

Fees for
sittings

31. Where the gross fees earned by a clerk or bailiff are less than \$1,000 a year, there shall be paid to the clerk and bailiff, respectively, out of the moneys appropriated by the Legislature for the administration of justice the sum of \$4 for attending each sitting of the court.

SECTION 5. The days on which court offices may be closed are extended to include Boxing Day and Civic Holiday.

SECTIONS 6 and 7. The amendment provides supplements for the income of division court clerks and bailiffs whose gross fees are in the lower ranges as set out in section 7.

SECTION 8. The amendment provides for appeals to go to the Supreme Court where they will be heard by the Divisional Court of the High Court with appeal to the Court of Appeal on questions of law by leave, as provided for in *An Act to amend The Judicature Act* (Bill 183).

SECTION 9. Specific reference to Osgoode Hall is deleted because of the location of some court offices at 145 Queen Street West.

7.—(1) *The Division Courts Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 110,
amended

31a. Where the gross fees earned by a clerk in a year are less than \$13,333.33, there shall be paid to the clerk an additional allowance amounting to 10 per cent of such gross fees less 40 per cent of such gross fees that are in excess of \$10,000. Additional
allowance
for clerks

31b. Where the gross fees earned by a bailiff in a year are less than \$20,000, there shall be paid to the bailiff an additional allowance of 10 per cent of such gross fees, less 20 per cent of such gross fees that are in excess of \$10,000. Additional
allowance
for bailiffs

(2) The moneys required for the purposes of this section in respect of the period from the 1st day of January, 1969 to the 31st day of March, 1970 shall be paid out of the Consolidated Revenue Fund and thereafter the moneys required for the purposes of this section shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys

8.—(1) Section 108 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1964*, is further amended by striking out "Court of Appeal" in the first and second lines and inserting in lieu thereof "Supreme Court", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 110,
s. 108,
amended

108. Subject to section 107, an appeal lies to the Supreme Court from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted, Appeal to
Supreme
Court

(2) Clause *d* of the said section 108 is amended by striking out "Court of Appeal" in the fourth line and inserting in lieu thereof "Supreme Court", so that the clause shall read as follows: R.S.O. 1960,
c. 110,
s. 108,
cl. d,
amended

(*d*) where the effect of the decision is to determine that a general assessment made by a mutual insurance company is invalid, but the company, unless the Supreme Court otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event.

9. Section 111 of *The Division Courts Act* is amended by striking out "Osgoode Hall" in the third line. R.S.O. 1960,
c. 110,
s. 111,
amended

R.S.O. 1960,
c. 110,
s. 112,
subs. 1,
amended

10. Subsection 1 of section 112 of *The Division Courts Act* is amended by striking out "and shall be heard and determined by one justice of appeal" in the second and third lines, so that the subsection shall read as follows:

Appeal,
when and
how made

(1) The appeal shall be made in the time and manner prescribed by the rules of court.

R.S.O. 1960,
c. 110,
s. 113,
amended

11. Section 113 of *The Division Courts Act* is amended by striking out "Court of Appeal" in the first line and in the second line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Powers and
duties of
Supreme
Court
R.S.O. 1960,
c. 76

113. On an appeal to the Supreme Court under this Act, the Supreme Court has the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto applies *mutatis mutandis* to appeals under this Act.

R.S.O. 1960,
c. 110,
ss. 179-181,
repealed

12. Sections 179, 180 and 181 of *The Division Courts Act* are repealed.

R.S.O. 1960,
c. 110,
s. 215,
subs. 1,
re-enacted

13. Subsection 1 of section 215 of *The Division Courts Act* is repealed and the following substituted therefor:

Appeal

(1) An appeal lies to the Supreme Court from a judgment under section 214.

Application
of ss. 8, 10,
11, 13

14. Sections 8, 10, 11 and 13 do not apply to actions commenced before those sections come into force.

Commence-
ment

15.—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 8, 10, 11, 13 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3 and 4 come into force on the 1st day of January, 1971.

Idem

(3) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1969.

Idem

(4) Sections 8, 10, 11, 13 and 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

16. This Act may be cited as *The Division Courts Amendment Act, 1970*.

SECTIONS 10 and 11. Complementary to section 8 of the Bill.

SECTION 12. The provisions deleted provide special procedures for distraint for arrears of rent, rendered obsolete by the amendments made to *The Landlord and Tenant Act* in the 1968-69 session.

SECTION 13. Complementary to section 8 of the Bill.

An Act to amend
The Division Courts Act

1st Reading

October 28th, 1970

2nd Reading

3rd Reading

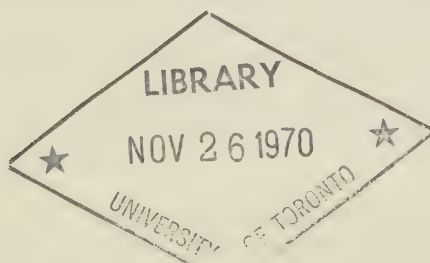
MR. WISHART

BILL 211

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Division Courts Act

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 211

1970

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The title to *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 110,
title
re-enacted

The Small Claims Courts Act.

(2) A reference to *The Division Courts Act* in any statute, regulation or document shall be deemed to be a reference to *The Small Claims Courts Act*. References

2. Sections 3 and 4 of *The Division Courts Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 110,
ss. 3, 4,
re-enacted

3. Subject to this Act and the rules, the division courts existing on the day section 2 of *The Division Courts Amendment Act, 1970* comes into force are continued and shall be known as small claims courts. Small
claims
courts
4. The court in each division shall be called "The First Name
(or as the case may be) Small Claims Court of the
County of".

3.—(1) After this section comes into force, the division courts and division court judges, clerks and bailiffs shall be known and referred to as small claims courts, and small claims court judges, clerks and bailiffs, and nothing in section 1 or 2 shall be construed to affect the continuance of any action, proceeding or other matter or any process commenced in or issued from a division court before this section comes into force, under the name as changed to the small claims court. Designation
of courts

(2) Every reference to division courts or to any judge, officer, office or process thereof in any statute, regulation or document shall be deemed to be a reference to the small claims court for the same division or to a judge, officer, office or process thereof, as the case may be. References

R.S.O. 1960,
c. 110,
s. 11a
(1961-62,
c. 35, s. 2),
re-enacted

4. Section 11a of *The Division Courts Act*, as enacted by section 2 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appoint-
ment of
judges

11a.—(1) The Lieutenant Governor in Council may appoint small claims court judges.

Idem

(2) Division court judges who are in office when section 3 of *The Division Courts Amendment Act, 1970* comes into force shall continue in office as small claims court judges.

R.S.O. 1960,
c. 110, s. 19,
re-enacted

5. Section 19 of *The Division Courts Act* is repealed and the following substituted therefor:

Holiday
defined

19.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the small claims court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office
hours

(2) Except on holidays when they shall be closed, every small claims court office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960,
c. 110, s. 31
(1968, c. 31,
s. 4),
amended

6. Section 31 of *The Division Courts Act*, as re-enacted by section 4 of *The Division Courts Amendment Act, 1968*, is amended by striking out “and emoluments” in the first line, so that the section shall read as follows:

Fees for
sittings

31. Where the gross fees earned by a clerk or bailiff are less than \$1,000 a year, there shall be paid to the clerk and bailiff, respectively, out of the moneys appropriated by the Legislature for the administration of justice the sum of \$4 for attending each sitting of the court.

7.—(1) *The Division Courts Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 110,
amended

31a. Where the gross fees earned by a clerk in a year are less than \$13,333.33, there shall be paid to the clerk an additional allowance amounting to 10 per cent of such gross fees less 40 per cent of such gross fees that are in excess of \$10,000. Additional
allowance
for clerks

31b. Where the gross fees earned by a bailiff in a year are less than \$20,000, there shall be paid to the bailiff an additional allowance of 10 per cent of such gross fees, less 20 per cent of such gross fees that are in excess of \$10,000. Additional
allowance
for bailiffs

(2) The moneys required for the purposes of this section in respect of the period from the 1st day of January, 1969 to the 31st day of March, 1970 shall be paid out of the Consolidated Revenue Fund and thereafter the moneys required for the purposes of this section shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys

8.—(1) Section 108 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1964*, is further amended by striking out “Court of Appeal” in the first and second lines and inserting in lieu thereof “Supreme Court”, so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 110,
s. 108,
amended

108. Subject to section 107, an appeal lies to the Supreme Court from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted, Appeal to
Supreme
Court

(2) Clause *d* of the said section 108 is amended by striking out “Court of Appeal” in the fourth line and inserting in lieu thereof “Supreme Court”, so that the clause shall read as follows: R.S.O. 1960,
c. 110,
s. 108,
cl. *d*,
amended

(*d*) where the effect of the decision is to determine that a general assessment made by a mutual insurance company is invalid, but the company, unless the Supreme Court otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event.

9. Section 111 of *The Division Courts Act* is amended by striking out “Osgoode Hall” in the third line. R.S.O. 1960,
c. 110,
s. 111,
amended

R.S.O. 1960, c. 110, s. 112, subs. 1, amended **10.** Subsection 1 of section 112 of *The Division Courts Act* is amended by striking out “and shall be heard and determined by one justice of appeal” in the second and third lines, so that the subsection shall read as follows:

Appeal, when and how made (1) The appeal shall be made in the time and manner prescribed by the rules of court.

R.S.O. 1960, c. 110, s. 113, amended **11.** Section 113 of *The Division Courts Act* is amended by striking out “Court of Appeal” in the first line and in the second line and inserting in lieu thereof in each instance “Supreme Court”, so that the section shall read as follows:

Powers and duties of Supreme Court R.S.O. 1960, c. 76 113. On an appeal to the Supreme Court under this Act, the Supreme Court has the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto applies *mutatis mutandis* to appeals under this Act.

R.S.O. 1960, c. 110, ss. 179-181, repealed **12.** Sections 179, 180 and 181 of *The Division Courts Act* are repealed.

R.S.O. 1960, c. 110, s. 215, subs. 1, re-enacted **13.** Subsection 1 of section 215 of *The Division Courts Act* is repealed and the following substituted therefor:

Appeal (1) An appeal lies to the Supreme Court from a judgment under section 214.

Application of ss. 8, 10, 11, 13 **14.** Sections 8, 10, 11 and 13 do not apply to actions commenced before those sections come into force.

Commencement **15.**—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 8, 10, 11, 13 and 14, comes into force on the day it receives Royal Assent.

Idem (2) Sections 1, 2, 3 and 4 come into force on the 1st day of January, 1971.

Idem (3) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1969.

Idem (4) Sections 8, 10, 11, 13 and 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **16.** This Act may be cited as *The Division Courts Amendment Act, 1970*.

An Act to amend
The Division Courts Act

1st Reading

October 28th, 1970

2nd Reading

November 5th, 1970

3rd Reading

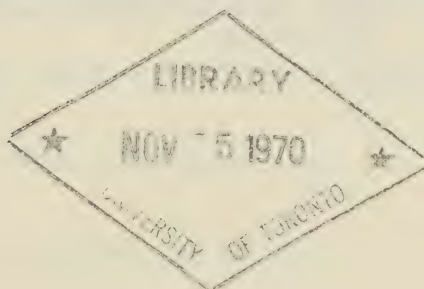
November 5th, 1970

MR. WISHART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Public Officers' Fees Act

Mr. WISHART



EXPLANATORY NOTES

SECTION 1. The reference to emolument is removed as there are no emoluments that are not fees.

SECTION 2. The amendment increases the portion of fees between \$10,000 and \$20,000 that may be retained by division court clerks and bailiffs, for division court clerks, from 60 per cent to 100 per cent and, for bailiffs, from 80 per cent to 100 per cent. The percentage over \$20,000 remains the same.

BILL 212

1970

An Act to amend The Public Officers' Fees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Public Officers' Fees Act* R.S.O. 1960, c. 327, s. 2, subs. 1, amended is amended by striking out "or other emoluments" in the second line and by striking out "and emoluments" in the third and fourth lines, so that the subsection shall read as follows:

- (1) Every officer to whom this Act applies who is paid Percentage of fees payable to Province by fees and not by salary only shall pay to the Treasurer of Ontario a percentage of the fees earned by him during the calendar year as provided by this Act and by any regulation made thereunder.

2. Section 7 of *The Public Officers' Fees Act*, as re-enacted R.S.O. 1960, c. 327, s. 7 (1962-63, c. 116, s. 1), re-enacted by section 1 of *The Public Officers' Fees Amendment Act, 1962-63*, is repealed and the following substituted therefor:

7.—(1) Every division court clerk is entitled to retain Division court clerks to his own use in each year,

(a) all the gross fees earned by him in that year up to \$20,000;

(b) on the excess over \$20,000, 40 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

- (2) Every division court bailiff is entitled to retain to Division court bailiffs his own use in each year,

(a) all the gross fees earned by him in that year up to \$20,000;

(b) on the excess over \$20,000, 70 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1969.

Short title

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1970*.

An Act to amend
The Public Officers' Fees Act

1st Reading

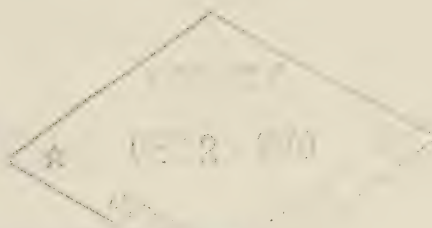
October 28th, 1970

2nd Reading

3rd Reading

MR. WISHART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Public Officers' Fees Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 212

1970

An Act to amend The Public Officers' Fees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Public Officers' Fees Act* is amended by striking out "or other emoluments" in the second line and by striking out "and emoluments" in the third and fourth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 327, s. 2,
subs. 1,
amended

- (1) Every officer to whom this Act applies who is paid by fees and not by salary only shall pay to the Treasurer of Ontario a percentage of the fees earned by him during the calendar year as provided by this Act and by any regulation made thereunder.

Percentage
of fees
payable to
Province

2. Section 7 of *The Public Officers' Fees Act*, as re-enacted by section 1 of *The Public Officers' Fees Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 327, s. 7
(1962-63,
c. 116, s. 1),
re-enacted

7.—(1) Every division court clerk is entitled to retain to his own use in each year,

Division
court clerks

(a) all the gross fees earned by him in that year up to \$20,000;

(b) on the excess over \$20,000, 40 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

- (2) Every division court bailiff is entitled to retain to his own use in each year,

Division
court
bailiffs

(a) all the gross fees earned by him in that year up to \$20,000;

(b) on the excess over \$20,000, 70 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1969.

Short title

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1970*.

An Act to amend
The Public Officers' Fees Act

1st Reading

October 28th, 1970

2nd Reading

November 5th, 1970

3rd Reading

November 5th, 1970

MR. WISHART

BILL 213

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Stock Yards Act

MR. STEWART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment authorizes an increase in the membership of the Ontario Stock Yards Board.

BILL 213

1970

An Act to amend The Stock Yards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Stock Yards Act* is amended by striking out "seven" in the first line and inserting in lieu thereof "nine", so that the subsection shall read as follows: R.S.O. 1960,
c. 385, s. 2,
subs. 3,
amended

(3) The Board shall consist of not more than nine Members
of Board persons appointed by the Lieutenant Governor in Council.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Stock Yards Amendment Act, 1970*. Short title

An Act to amend
The Stock Yards Act

1st Reading

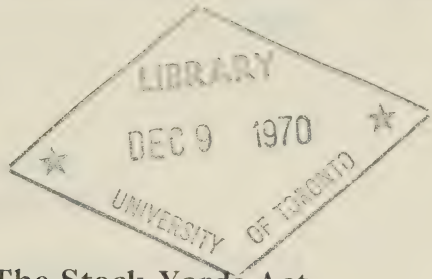
October 29th, 1970

2nd Reading

3rd Reading

MR. STEWART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Stock Yards Act

MR. STEWART



BILL 213

1970

An Act to amend The Stock Yards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Stock Yards Act* is amended by striking out "seven" in the first line and inserting in lieu thereof "nine", so that the subsection shall read as follows: R.S.O. 1960,
c. 385, s. 2,
subs. 3,
amended

(3) The Board shall consist of not more than nine Members
of Board persons appointed by the Lieutenant Governor in Council.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Stock Yards Amendment Act, 1970*. Short title

An Act to amend
The Stock Yards Act

1st Reading

October 29th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

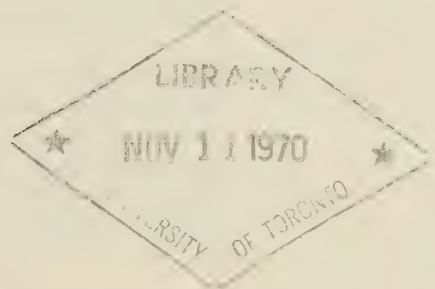
MR. STEWART

BILL 214

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Regional Municipality of Niagara Act, 1968-69**

MR. McKEOUGH



EXPLANATORY NOTES

SECTION 1. Certain minor changes and corrections are made in the descriptions of the boundaries of the area municipalities.

BILL 214

1970

An Act to amend The Regional Municipality of Niagara Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor:

1968-69,
c. 106, s. 2,
subs. 1, cl. *g*,
amended

“THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road”.

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor:

1968-69,
c. 106, s. 2,
subs. 1, cl. *k*,
amended

“THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

and by striking out "225" in the third line of the eighteenth paragraph of the description and inserting in lieu thereof "northerly along the west boundary of Lot 225, easterly along the north boundary of Lot 225, southerly along the east boundary of Lot 225 to its meeting with the midway line being the line between the north and south halves of Lot 224 thence easterly along the said midway line being the line between the north and south halves of lots".

1968-69,
c. 106, s. 3,
subs. 5,
re-enacted

2. Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections
1972
Niagara
Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

(a) redivide the City of Niagara Falls into wards;

(b) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and

(c) provide for such other matters as he considers necessary to hold such election.

SECTION 2. The special provisions re ward representation are continued for the 1972 election in Niagara Falls.

SECTION 3. The provisions continuing existing speed limits in the Regional Area for the year 1970 are continued until such speed limits are changed in accordance with *The Highway Traffic Act* by the appropriate authority.

SECTION 4. The amendment is to make it clear that the provisions of this Act providing for the constitution of the Niagara Regional Board apply for the year 1970 and thereafter.

SECTION 5. The amendment is to make it clear that the number of years of service to be credited to a member is the total of his service with the police force of the local municipality of which he was a member on the 31st day of December, 1969, and his service with the police force of the area municipality.

3.—(1) Subsection 1 of section 81a of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out “during the year 1970” in the fourth line, so that the subsection shall read as follows:

- (1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

Existing speed limits continued
R.S.O. 1960, c. 172

(2) Subsection 3 of the said section 81a is amended by striking out “during the year 1970” in the seventh line, so that the subsection shall read as follows:

1968-69, c. 106, s. 81a (1968-69, c. 107, s. 4), subs. 3, amended

- (3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Existing by-laws under s. 59 of R.S.O. 1960, c. 172 continued

4. Clause a of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after “Act” in the fourth line “except subsections 1 to 4 of section 7 thereof”, so that the clause shall read as follows:

1968-69, c. 106, s. 116, cl. a, amended

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and

R.S.O. 1960, c. 298

5. Clause c of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

1968-69, c. 106, s. 118, subs. 3, cl. c, re-enacted

- (c) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

1968-69,
c. 106,
s. 130,
subss. 2-4,
re-enacted

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor:

Rates for
public school
purposes on
commercial
assessment

R.S.O. 1960,
c. 361

- (2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
public
school
purposes on
residential
assessment

- (3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
secondary
school
purposes on
commercial
assessment

- (4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
secondary
school
purposes on
residential
assessment

- (5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary

SECTION 6. The amendments provide that the apportionment for public and secondary school purposes be made separately on commercial and residential assessment instead of on the combined assessment. Provision is also made for taking into account the regulations in respect of apportionment made under section 87a of *The Secondary Schools and Boards of Education Act*.

SECTION 7. The provisions for transitional adjustments are extended and amended for purposes of clarification.

SECTION 8. The amendment is for the purpose of clarification. The reference to section 14 of *The Municipal Act* should be a reference only to subsection 2 of section 14.

SECTION 9. The provisions continuing the present commissions for the distribution of electrical power and energy in the area for the year 1971 are continued for the year 1972.

school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, Regulations under R.S.O. 1960, c. 362 to apply in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

- (7) The provisions of this section apply until the date Application of section determined by the Minister under subsection 5 of section 126.

7. Section 131 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted there- 1968-69, c. 106, s. 131, re-enacted for:

131. The Minister may provide from time to time by Transitional adjustments order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

8. Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "Sections 10, 11 and, subject to subsection 3 of section 2" in the first 1968-69, c. 106, s. 163, subs. 3, amended line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows:

- (3) Sections 10 and 11 and, subject to subsection 3 of Erections, annexations and amalgamations R.S.O. 1960, c. 249 section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the R.S.O. 1960, c. 249 Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

9.—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out 1968-69, c. 106, s. 182, subs. 3, amended "1971" in the sixth line and inserting in lieu thereof "1972".

1968-69,
c. 106,
s. 182,
subs. 4,
amended

(2) Subsection 4 of the said section 182 is amended by striking out "1971" in the fifth line and inserting in lieu thereof "1972".

1968-69,
c. 106,
s. 183,
subs. 2b
(1968-69,
c. 107, s. 8),
re-enacted

10. Subsection 2b of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 8 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Licensing
by-law may
be passed
by councils
of cities
R.S.O. 1960,
c. 249

(2b) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,
c. 106,
amended

11. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of
revision
continued

184b. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69,
c. 6

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short
title

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.

SECTION 10. The councils of the cities within the Regional Area are authorized to pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

SECTION 11. The new section is to make it clear that the courts of revision established for the counties of Lincoln and Welland are continued to deal with appeals re assessments made before the year 1970.

An Act to amend
The Regional Municipality of Niagara Act,
1968-69

1st Reading

October 30th, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

B
356

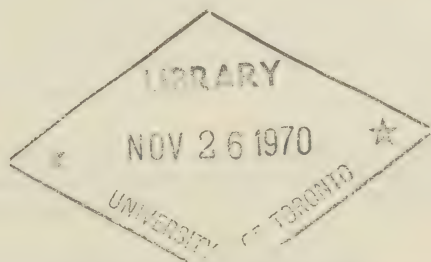
BILL 214

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Regional Municipality of Niagara Act, 1968-69**

MR. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)



EXPLANATORY NOTES

SECTION 1. Certain minor changes and corrections are made in the descriptions of the boundaries of the area municipalities.

BILL 214

1970

An Act to amend The Regional Municipality of Niagara Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor:

<sup>1968-69,
c. 106, s. 2,
subs. 1, cl. *g*,
amended</sup>

“THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road”.

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor:

<sup>1968-69,
c. 106, s. 2,
subs. 1, cl. *k*,
amended</sup>

“THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

and by striking out "225" in the third line of the eighteenth paragraph of the description and inserting in lieu thereof "northerly along the west boundary of Lot 225, easterly along the north boundary of Lot 225, southerly along the east boundary of Lot 225 to its meeting with the midway line being the line between the north and south halves of Lot 224 thence easterly along the said midway line being the line between the north and south halves of lots".

1968-69,
c. 106, s. 3,
subs. 5,
re-enacted

2. Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections
1972
Niagara
Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

(a) redivide the City of Niagara Falls into wards;

(b) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and

(c) provide for such other matters as he considers necessary to hold such election.

SECTION 2. The special provisions re ward representation are continued for the 1972 election in Niagara Falls.

SECTION 3. The provisions continuing existing speed limits in the Regional Area for the year 1970 are continued until such speed limits are changed in accordance with *The Highway Traffic Act* by the appropriate authority.

SECTION 4. The amendment is to make it clear that the provisions of this Act providing for the constitution of the Niagara Regional Board apply for the year 1970 and thereafter.

SECTION 5. The amendment is to make it clear that the number of years of service to be credited to a member is the total of his service with the police force of the local municipality of which he was a member on the 31st day of December, 1969, and his service with the police force of the area municipality.

3.—(1) Subsection 1 of section 81a of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out “during the year 1970” in the fourth line, so that the subsection shall read as follows:

- (1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

Existing
speed limits
continued
R.S.O. 1960,
c. 172

(2) Subsection 3 of the said section 81a is amended by striking out “during the year 1970” in the seventh line, so that the subsection shall read as follows:

1968-69,
c. 106, s. 81a
(1968-69,
c. 107, s. 4),
subs. 3,
amended

- (3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Existing
by-laws
under
s. 59 of
R.S.O. 1960,
c. 172
continued

4. Clause a of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after “Act” in the fourth line “except subsections 1 to 4 of section 7 thereof”, so that the clause shall read as follows:

1968-69,
c. 106,
s. 116, cl. a,
amended

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and

R.S.O. 1960,
c. 298

.

5. Clause c of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

1968-69,
c. 106,
s. 118,
subs. 3,
cl. c,
re-enacted

- (c) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

1968-69,
c. 106,
s. 130,
subss. 2-4,
re-enacted

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor:

Rates for
public school
purposes on
commercial
assessment

R.S.O. 1960,
c. 361

- (2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
public
school
purposes on
residential
assessment

- (3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
secondary
school
purposes on
commercial
assessment

- (4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
secondary
school
purposes on
residential
assessment

- (5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary

SECTION 6. The amendments provide that the apportionment for public and secondary school purposes be made separately on commercial and residential assessment instead of on the combined assessment. Provision is also made for taking into account the regulations in respect of apportionment made under section 87a of *The Secondary Schools and Boards of Education Act*.

SECTION 7. The provisions for transitional adjustments are extended and amended for purposes of clarification.

SECTION 8. The amendment is for the purpose of clarification. The reference to section 14 of *The Municipal Act* should be a reference only to subsection 2 of section 14.

SECTION 9. The provisions continuing the present commissions for the distribution of electrical power and energy in the area for the year 1970 are continued for the year 1971.

school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, ^{Regulations under R.S.O. 1960, c. 362 to apply} in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.
- (7) The provisions of this section apply until the date ^{Application of section} determined by the Minister under subsection 5 of section 126.

7. Section 131 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted there- ^{1968-69, c. 106, s. 131, re-enacted} for:

131. The Minister may provide from time to time by ^{Transitional adjustments} order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

8. Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "Sections 10, 11 and, subject to subsection 3 of section 2" in the first ^{1968-69, c. 106, s. 163, subs. 3, amended} line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows:

- (3) Sections 10 and 11 and, subject to subsection 3 of ^{Erections, annexations and amalgamations R.S.O. 1960, c. 249} section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

9.—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out ^{1968-69, c. 106, s. 182, subs. 3, amended} "1971" in the sixth line and inserting in lieu thereof "1972".

1968-69,
c. 106,
s. 182,
subs. 4,
amended

(2) Subsection 4 of the said section 182 is amended by striking out "1971" in the fifth line and inserting in lieu thereof "1972".

1968-69,
c. 106,
s. 183,
subs. 2b
(1968-69,
c. 107, s. 8),
re-enacted

10. Subsection 2b of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 8 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Licensing
by-law may
be passed
by councils
of cities
R.S.O. 1960,
c. 249

(2b) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,
c. 106,
amended

11. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of
revision
continued

184b. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69,
c. 6

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short
title

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.

SECTION 10. The councils of the cities within the Regional Area are authorized to pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

SECTION 11. The new section is to make it clear that the courts of revision established for the counties of Lincoln and Welland are continued to deal with appeals re assessments made before the year 1970.

An Act to amend
The Regional Municipality of Niagara Act,
1968-69

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

MR. McKEOUGH

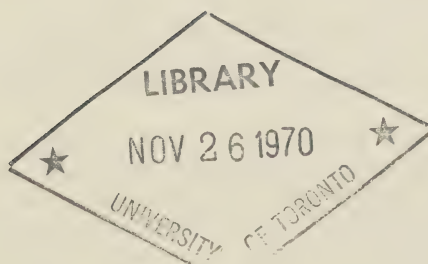
(Reprinted as amended by the
Committee of the Whole House)

BILL 214

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Regional Municipality of Niagara Act, 1968-69**

MR. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 214

1970

An Act to amend The Regional Municipality of Niagara Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor:

“THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road”.

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor:

“THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

1968-69,
c. 106, s. 3,
subs. 5,
re-enacted

2. Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections
1972
Niagara
Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

(a) redivide the City of Niagara Falls into wards;

(b) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and

(c) provide for such other matters as he considers necessary to hold such election.

1968-69,
c. 106, s. 81a
(1968-69,
c. 107, s. 4),
subs. 1,
amended

3.—(1) Subsection 1 of section 81a of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out "during the year 1970" in the fourth line, so that the subsection shall read as follows:

Existing
speed limits
continued
R.S.O. 1960,
c. 172

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in

the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

(2) Subsection 3 of the said section 81*a* is amended by striking out "during the year 1970" in the seventh line, so that the subsection shall read as follows:

1968-69,
c. 106, s. 81*a*
(1968-69,
s. 107, s. 4),
subs. 3,
amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Existing
by-laws
under
s. 59 of
R.S.O. 1960,
c. 172
continued

4. Clause *a* of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "Act" in the fourth line "except subsections 1 to 4 of section 7 thereof", so that the clause shall read as follows:

1968-69,
c. 106,
s. 116, cl. *a*,
amended

(*a*) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and

R.S.O. 1960,
c. 298

5. Clause *c* of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

1968-69,
c. 106,
s. 118,
subs. 3,
cl. *c*,
re-enacted

(*c*) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor:

1968-69,
c. 106,
s. 130,
subs. 2-4,
re-enacted

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of

Rates for
public school
purposes on
commercial
assessment

R.S.O. 1960,
c. 361

the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
public
school
purposes on
residential
assessment

- (3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
secondary
school
purposes on
commercial
assessment

- (4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for
secondary
school
purposes on
residential
assessment

- (5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Regulations
under
R.S.O. 1960,
c. 362 to
apply

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*

the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

- (7) The provisions of this section apply until the date ^{Application of section} determined by the Minister under subsection 5 of section 126.

7. Section 131 of *The Regional Municipality of Niagara* ^{1968-69, c. 106,} *Act, 1968-69* is repealed and the following substituted there- ^{s. 131, re-enacted} for:

131. The Minister may provide from time to time by ^{Transitional adjustments} order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

8. Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* ^{1968-69, c. 106,} is amended by striking out "Sections ^{s. 163,} 10, 11 and, subject to subsection 3 of section 2" in the first ^{subs. 3, amended} line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows:

- (3) Sections 10 and 11 and, subject to subsection 3 of ^{Erections, annexations and amalgamations} section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in ^{R.S.O. 1960, c. 249} relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

9.—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* ^{1968-69, c. 106,} is amended by striking out ^{s. 182,} "1971" in the sixth line and inserting in lieu thereof ^{subs. 3, amended} "1972".

(2) Subsection 4 of the said section 182 is amended by ^{1968-69, c. 106,} striking out "1971" in the fifth line and inserting in lieu ^{s. 182,} thereof ^{subs. 4, amended} "1972".

10. Subsection 2b of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, ^{1968-69, c. 106,} as enacted by section 8 of ^{s. 183,} *The Regional Municipality of Niagara Amendment Act, 1968-69*, ^{subs. 2b, (1968-69, c. 107, s. 8), re-enacted} is repealed and the following substituted therefor:

Licensing
by-law may
be passed
by councils
of cities
R.S.O. 1960,
c. 249

(2b) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,
c. 106,
amended

11. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of
revision
continued

184b. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69,
c. 6

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short
title

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.

An Act to amend
The Regional Municipality of Niagara Act,
1968-69

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. McKEOUGH

CAZON
XB
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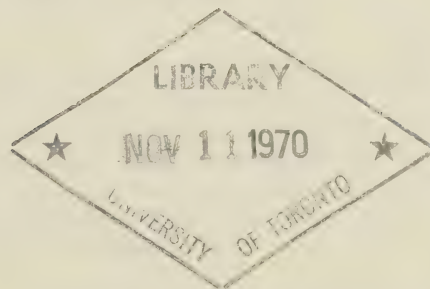
Government
Publications

BILL 215

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Water Resources Commission Act

MR. KERR



TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The Commission may by regulation specify additional matter or substances as sewage for the purposes of the Act.

SECTION 2. The amendments provide:

1. For an increase in the membership of the Commission.
2. For the appointment of more than one vice-chairman.

BILL 215

1970

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Ontario Water Resources Commission Act* is amended by adding at the end thereof "and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47", so that the clause shall read as follows:

R.S.O. 1960,
c. 281, s. 1,
cl. *p*,
amended

(*p*) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47.

2.—(1) Subsection 1 of section 3 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fifth line and inserting in lieu thereof "five" and by striking out "seven" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows:

R.S.O. 1960,
c. 281, s. 3,
subs. 1,
amended

(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time determines.

Commission
continued
1956, c. 62

(2) Subsections 2 and 3 of the said section 3 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 3,
subss. 2, 3,
re-enacted

(2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen.

Appoint-
ment

Acting
chairman

- (3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman.

R.S.O. 1960,
c. 281, s. 4,
amended

3. Section 4 of *The Ontario Water Resources Commission Act* is amended by inserting after "minute" in the first line "of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission", so that the section shall read as follows:

Evidence

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission certified by the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof.

R.S.O. 1960,
c. 281, s. 8
(1965, c. 91,
s. 1),
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 8 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1965*, is repealed and the following substituted therefor:

Quorum

- (1) Except as provided in subsection 2, three members of the Commission constitute a quorum.

R.S.O. 1960,
c. 281, s. 8
(1965, c. 91,
s. 1),
subs. 2,
cls. a-f,
repealed

- (2) Clauses *a, b, c, d, e* and *f* of subsection 2 of the said section 8 are repealed.

R.S.O. 1960,
c. 281,
amended

5. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Delegation
of powers

- 8a. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

- (a) subsections 2, 2a, 4 and 5 of section 28a;
- (b) subsections 1 and 3 of section 28b;
- (c) subsections 1 and 2 of section 28c;
- (d) subsections 1, 2 and 4 of section 29;

SECTION 3. The amendment provides that copies of directions, orders, reports, approvals, notices, permits and licences made or issued by the Commission that are certified by the secretary under the seal of the Commission as true copies shall be received as *prima facie* evidence in any court.

SECTION 4—Subsection 1. The quorum for general meetings of the Commission is changed from a majority of members to three members.

Subsection 2. Complementary to section 5 of the Bill.

SECTION 5. The powers which the Commission is authorized to delegate to one or more of its officers under this section were formerly exercisable by two members of the Commission; in addition the following powers may be delegated:

1. to authorize the holding of hearings and to determine the persons to whom and the manner in which notice of a hearing is to be given respecting the establishment or extension of sewage works;
2. to authorize the establishment of a reserve account, and its administration.

SECTION 6. The amendment is complementary to an amendment to section 27 of *The Public Service Superannuation Act* and will allow full-time probationary staff to become contributors under that Act.

SECTION 7. The Commission and its employees and agents are now authorized to enter lands or buildings or boats for the purpose of making surveys, investigations or inspections. The amendment makes it an offence for any person to obstruct an employee or agent in the performance of his duties.

SECTION 8. The amendment is to make it clear that the quality of water is impaired when the deposit or discharge of any material causes or may cause injury to persons or other living things that consume directly or indirectly any fish or other living matter that is in the water.

- (e) subsections 1 and 3 of section 30;
- (f) subsections 1 and 3 of section 31;
- (g) subsections 1, 4 and 10 of section 32 and subsections 1 and 3 of section 32a respecting the holding of a hearing and the giving of notice thereof; or
- (h) subsections 1 and 1a of section 43.

6. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is amended by inserting after "permanent" in the second line "and full-time probationary", so that the subsection shall read as follows:

R.S.O. 1960,
c. 281, s. 10,
subs. 2
(1962-63,
c. 99, s.1),
amended

- (2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'
superannua-
tion benefits
R.S.O. 1960,
c. 332

7. Section 18 of *The Ontario Water Resources Commission Act*, as amended by section 2 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 1 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 281, s. 18,
amended

- (4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the offence is committed or continues.

Offence

8. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 281,
amended

- 25a. Under sections 26, 27, 27b and 28 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or

Where
quality of
water
deemed to
be impaired

consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water.

R.S.O. 1960,
c. 281, s. 26,
subs. 1,
re-enacted

9. Subsection 1 of section 26 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Supervision
of waters

- (1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario.

R.S.O. 1960,
c. 281, s. 27,
subs. 1
(1961-62,
c. 99, s. 5),
amended

10.—(1) Subsection 1 of section 27 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by striking out “to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment”, so that the subsection shall read as follows:

Discharge
of
polluting
material
prohibited

- (1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

R.S.O. 1960,
c. 281, s. 27,
amended

(2) The said section 27 is amended by adding thereto the following subsections:

Separate
offences

- (1a) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence.

Commission
to be
notified
when
polluting
material is
discharged,
deposited or
escapes

- (1b) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes

SECTION 9. The Commission is given supervision of all waters for the purposes of the Act. At present, the provision is limited to waters used as a source of water supply.

SECTION 10--Subsection 1. The maximum penalty of \$1,000 is increased to a maximum of \$5,000 on first conviction and \$10,000 on subsequent convictions.

Subsection 2. Self-explanatory.

SECTION 11. The sections added provide for the following:

1. The Commission is empowered, with the approval of the Minister, to prohibit or regulate the discharge of sewage into or near water by any municipality or person; penalties are provided for the contravention of any such order.
2. The Commission may by order require any municipality or industrial or commercial enterprise to keep on hand such equipment and chemicals or other materials to alleviate the effects of any impairment of the quality of water they may cause as the order specifies; penalties are provided for the contravention of any such order.
3. Before making an order under any of the sections or subsections mentioned, the Commission is to afford a hearing to the municipality or person who will be affected by the order.

into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be.

- (1c) Every municipality or person that fails to notify the Commission as provided in subsection 1b is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

11. *The Ontario Water Resources Commission Act* is R.S.O. 1960, c. 281, amended by adding thereto the following sections:

27a.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may be amended, varied or revoked by the Commission as it considers desirable.

- (2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

- (3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence.

27b.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise.

- (2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for every day the contravention continues.

Before
making
order
Commission
to hold
hearing

27c. Before making an order under section 27a, 27b, subsection 2a of section 28a or section 50, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed.

R.S.O. 1960,
c. 281, s. 30,
subs. 2,
amended

12. Subsection 2 of section 30 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the eleventh line "or his successor or assignee", so that the subsection shall read as follows:

Powers of
Commission
where water
works
undertaken
without
approval

(2) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,
c. 281, s. 31,
subs. 2,
amended

13. Subsection 2 of section 31 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the twelfth line "or his successor or assignee", so that the subsection shall read as follows:

Powers of
Commission
where
sewage
works
undertaken
without
approval

(2) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,
c. 281, s. 32
(1966,
c. 108, s. 5),
subs. 1,
amended

14.—(1) Subsection 1 of section 32 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of

SECTION 12. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 13. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 14—Subsection 1 and 2. The amendments require notice of the establishment or extension of a sewage works to be given to the municipality in or into which the sewage works are being established or extended.

Subsection 3. Where the Commission has approved the extension by a person of his sewage works from one municipality into another, the person undertaking the extension may apply to the Municipal Board for an order to amend any by-law prohibiting or regulating the use of land for the disposal of refuse or industrial waste or any zoning by-law or any official plan that might otherwise prevent such extension; the powers of the Board on such an application are set out.

The Ontario Water Resources Commission Amendment Act, 1966, is amended by striking out "each other municipality concerned" in the seventh line and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the subsection shall read as follows:

- (1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct.
- (2) Subsection 5 of the said section 32 is amended by striking out "each other municipality concerned" in the thirty-first and thirty-second lines and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the last four lines of the subsection shall read as follows:

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct.

- (3) The said section 32 is amended by adding thereto the following subsections:

- (11) Where the Commission has given its approval under section 31 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of the land for the extension.

Establishment or extension of sewage works in or into another municipality, etc.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

Application to Board

R.S.O. 1960, cc. 249, 296

Powers of
Board

- (12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,
c. 281,
s. 32a (1966,
c. 108, s. 6),
amended

15. Section 32a of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1966*, is amended by adding thereto the following subsections:

Application
to Board

- (4) Where the Commission has given its approval under section 31 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1960,
cc. 249, 296

Powers of
Board

- (5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,
c. 281,
amended

16. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Application
of s. 32,
subss. 11, 12,
and s. 32a,
subss. 4, 5
to municipi-
ality

- 32b. Subsections 11 and 12 of section 32 and subsections 4 and 5 of section 32a apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

R.S.O. 1960,
c. 281, s. 40,
subs. 1,
par. 2,
amended

17. Paragraph 2 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is amended by striking out "the rate of 3¼ per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "such rate as is prescribed by regulation by the Commission", so that the paragraph shall read as follows:

SECTION 15. Similar in intent to subsection 3 of section 14 of the Bill and applicable where the Commission has approved the establishment or extension by a person within a municipality of a sewage treatment works.

SECTION 16. Self-explanatory.

SECTION 17. The rate of interest under this provision will be as prescribed by the Commission with the approval of the Lieutenant Governor in Council.

SECTION 18. Where, in connection with a project or a provincial work, service drains are constructed as part of a sewage works, the municipality may recover the cost of the construction from the owners of land serviced by the drains over a period of years.

SECTION 19—Subsection 1. Complementary to section 26 of the Bill.

SECTION 20. The Commission may expend moneys out of a reserve account established in respect of one project for a municipality for any other project for the same municipality.

SECTION 21—Subsection 1. Complementary to section 17 of the Bill, and providing additional regulation-making powers.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the Commission to form at the expiry of such period of years a fund equal to the cost of such project.

18. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 281,
amended

- 41a. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 16 or under section 39, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. Cost of
construction
of service
drains

19. Subsection 5 of section 42 of *The Ontario Water Resources Commission Act* is repealed. R.S.O. 1960,
c. 281, s. 42,
subs. 5,
repealed

20. Section 43 of *The Ontario Water Resources Commission Act*, as amended by section 12 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 6 of *The Ontario Water Resources Commission Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 281,
s. 43,
amended

- (1a) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. When
moneys
may be
expended
in respect
of another
project

21.—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 11 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

(da) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 40;

(fa) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

(ga) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder.

R.S.O. 1960,
c. 281, s. 47,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 47 is repealed and the following substituted therefor:

Offence

(3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000.

R.S.O. 1960,
c. 281,
s. 47b
(1961-62,
c. 99, s. 15),
subs. 2,
amended

22. Subsection 2 of section 47b of *The Ontario Water Resources Commission Act*, as enacted by section 15 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by inserting at the commencement thereof "Subject to section 52", so that the subsection shall read as follows:

Penalties
R.S.O. 1960,
c. 249

(2) Subject to section 52, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

R.S.O. 1960,
c. 281, s. 51
(1960-61,
c. 71, s. 7),
amended

23. Section 51 of *The Ontario Water Resources Commission Act*, as enacted by section 7 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Application
to certain
sewage
works

(2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964.

R.S.O. 1960,
c. 281, s. 52
(1964, c. 86,
s. 11),
amended

24. Section 52 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting

Subsection 2. The minimum penalty for a breach of the regulations is increased from \$5 to \$25 and the maximum penalty is increased from \$500 to \$1000.

SECTION 22. Complementary to section 24 of the Bill.

SECTION 23. The amendment provides that the Commission in relation to sewage works constructed with the assistance of loans under Part VIB of the *National Housing Act, 1954* (Canada) under agreements entered into after the 1st day of September, 1964, may not act as an agent of a municipality.

SECTION 24. The time for commencing a prosecution under a plumbing inspection by-law passed by a municipality or local board is enlarged from six months to one year.

SECTION 25. Complementary to section 5 of the Bill.

SECTION 26. This provision was formerly contained in subsection 5 of section 42 of the Act and related only to amounts due by a municipality to the Commission under an agreement respecting a project; it is now made of general application in all cases where moneys are owing to the Commission, and permits the Commission to recover interest and expenses of debt service if any owed by it to the Treasurer of Ontario with respect to the moneys owing. The former provision adding interest at the rate of 6 per cent per annum after default is deleted.

after "Act" in the second line "or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b*", so that the section shall read as follows:

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b* may be instituted within one year after the time when the subject-matter of the proceedings arose.
- Proceedings to enforce provisions of Act, regulations or by-laws

25. Section 53 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "Commission" in the first line "or an officer to whom power has been delegated by the Commission under section 8*a*" and by inserting after "Commission" in the second and third lines "or such officer", so that the section shall read as follows:

R.S.O. 1960, c. 281, s. 53 (1964, c. 86, s. 11), amended

53. Where the Commission or an officer to whom power has been delegated by the Commission under section 8*a* has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person.
- Enforcing performance of things required to be done by Commission

26. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 281, amended

58. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person.
- Recovery of moneys owing to Commission

27. This Act comes into force on the day it receives Royal Assent.

Commencement

28. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1970*.

Short title

An Act to amend The Ontario
Water Resources Commission Act

1st Reading

October 30th, 1970

2nd Reading

3rd Reading

MR. KERR

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Ontario Water Resources Commission Act**

MR. KERR

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The Commission may by regulation specify additional matter or substances as sewage for the purposes of the Act.

SECTION 2. The amendments provide:

1. For an increase in the membership of the Commission.
2. For the appointment of more than one vice-chairman.

BILL 215

1970

**An Act to amend
The Ontario Water Resources Commission Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Ontario Water Resources Commission Act* is amended by adding at the end thereof "and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47", so that the clause shall read as follows:

R.S.O. 1960,
c. 281, s. 1,
cl. *p*,
amended

(*p*) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47.

2.—(1) Subsection 1 of section 3 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fifth line and inserting in lieu thereof "five" and by striking out "seven" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows:

R.S.O. 1960,
c. 281, s. 3,
subs. 1,
amended

(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time determines.

Commission
continued
1956, c. 62

(2) Subsections 2 and 3 of the said section 3 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 3,
subs. 2, 3,
re-enacted

(2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen.

Appoint-
ment

Acting
chairman

- (3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman.

R.S.O. 1960,
c. 281, s. 4,
amended

3. Section 4 of *The Ontario Water Resources Commission Act* is amended by inserting after "minute" in the first line "of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission", so that the section shall read as follows:

Evidence

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission certified by the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof.

R.S.O. 1960,
c. 281, s. 8
(1965, c. 91,
s. 1),
subs. 1,
re-enacted

- 4.—(1) Subsection 1 of section 8 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1965*, is repealed and the following substituted therefor:

Quorum

- (1) Except as provided in subsection 2, three members of the Commission constitute a quorum.

R.S.O. 1960,
c. 281, s. 8
(1965, c. 91,
s. 1),
subs. 2,
cls. a-f,
repealed

- (2) Clauses *a, b, c, d, e* and *f* of subsection 2 of the said section 8 are repealed.

R.S.O. 1960,
c. 281,
amended

5. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Delegation
of powers

- 8a. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

- (a) subsections 2, 2a, 4 and 5 of section 28a;
- (b) subsections 1 and 3 of section 28b;
- (c) subsections 1 and 2 of section 28c;
- (d) subsections 1, 2 and 4 of section 29;

SECTION 3. The amendment provides that copies of directions, orders, reports, approvals, notices, permits and licences made or issued by the Commission that are certified by the secretary under the seal of the Commission as true copies shall be received as *prima facie* evidence in any court.

SECTION 4—Subsection 1. The quorum for general meetings of the Commission is changed from a majority of members to three members.

Subsection 2. Complementary to section 5 of the Bill.

SECTION 5. The powers which the Commission is authorized to delegate to one or more of its officers under this section were formerly exercisable by two members of the Commission; in addition the following powers may be delegated:

1. to authorize the holding of hearings and to determine the persons to whom and the manner in which notice of a hearing is to be given respecting the establishment or extension of sewage works;
2. to authorize the establishment of a reserve account, and its administration.

SECTION 6. The amendment is complementary to an amendment to section 27 of *The Public Service Superannuation Act* and will allow full-time probationary staff to become contributors under that Act.

SECTION 7. The Commission and its employees and agents are now authorized to enter lands or buildings or boats for the purpose of making surveys, investigations or inspections. The amendment makes it an offence for any person to obstruct an employee or agent in the performance of his duties.

SECTION 8. The amendment is to make it clear that the quality of water is impaired when the deposit or discharge of any material causes or may cause injury to persons or other living things that consume directly or indirectly any fish or other living matter that is in the water.

- (e) subsections 1 and 3 of section 30;
- (f) subsections 1 and 3 of section 31;
- (g) subsections 1, 4 and 10 of section 32 and subsections 1 and 3 of section 32a respecting the holding of a hearing and the giving of notice thereof; or
- (h) subsections 1 and 1a of section 43.

6. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is amended by inserting after "permanent" in the second line "and full-time probationary", so that the subsection shall read as follows:

- (2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

7. Section 18 of *The Ontario Water Resources Commission Act*, as amended by section 2 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 1 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following subsection:

- (4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the offence is committed or continues.

8. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

- 25a. Under sections 26, 27, 27b and 28 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or

consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water.

R.S.O. 1960,
c. 281, s. 26,
subs. 1,
re-enacted

9. Subsection 1 of section 26 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Supervision
of waters

- (1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario.

R.S.O. 1960,
c. 281, s. 27,
subs. 1
(1961-62,
c. 99, s. 5),
amended

10.—(1) Subsection 1 of section 27 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by striking out “to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment”, so that the subsection shall read as follows:

Discharge
of
polluting
material
prohibited

- (1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

R.S.O. 1960,
c. 281, s. 27,
amended

(2) The said section 27 is amended by adding thereto the following subsections:

Separate
offences

- (1a) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence.

Commission
to be
notified
when
polluting
material is
discharged,
deposited or
escapes

- (1b) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes

SECTION 9. The Commission is given supervision of all waters for the purposes of the Act. At present, the provision is limited to waters used as a source of water supply.

SECTION 10—Subsection 1. The maximum penalty of \$1,000 is increased to a maximum of \$5,000 on first conviction and \$10,000 on subsequent convictions.

Subsection 2. Self-explanatory.

SECTION 11. The sections added provide for the following:

1. The Commission is empowered, with the approval of the Minister, to prohibit or regulate the discharge of sewage into or near water by any municipality or person; penalties are provided for the contravention of any such order.
2. The Commission may by order require any municipality or industrial or commercial enterprise to keep on hand such equipment and chemicals or other materials to alleviate the effects of any impairment of the quality of water they may cause as the order specifies; penalties are provided for the contravention of any such order.
3. Before making an order under any of the sections or subsections mentioned, the Commission is to afford a hearing to the municipality or person who will be affected by the order.

into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be.

- (1c) Every municipality or person that fails to notify the Commission as provided in subsection 1b is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. ^{Offence}

11. *The Ontario Water Resources Commission Act* is ^{R.S.O. 1960, c. 281, amended} amended by adding thereto the following sections:

27a.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may, with the approval of the Minister, be amended, varied or revoked by the Commission as it considers desirable. ^{Prohibiting or regulating discharge of sewage}

- (2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000. ^{Offence}

- (3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence. ^{Separate offences}

27b.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise. ^{Equipment, etc., to alleviate effects of impairment of quality of water}

- (2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for every day the contravention continues. ^{Offence}

Before
making
order
Commission
to hold
hearing

27c. Before making an order under section 27a, 27b, subsection 2a of section 28a or section 50, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed.

R.S.O. 1960,
c. 281, s. 30,
subs. 2,
amended

12. Subsection 2 of section 30 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the eleventh line "or his successor or assignee", so that the subsection shall read as follows:

Powers of
Commission
where water
works
undertaken
without
approval

(2) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,
c. 281, s. 31,
subs. 2,
amended

13. Subsection 2 of section 31 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the twelfth line "or his successor or assignee", so that the subsection shall read as follows:

Powers of
Commission
where
sewage
works
undertaken
without
approval

(2) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,
c. 281, s. 32
(1966,
c. 108, s. 5),
subs. 1,
amended

14.—(1) Subsection 1 of section 32 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of

SECTION 12. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 13. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 14—Subsection 1 and 2. The amendments require notice of the establishment or extension of a sewage works to be given to the municipality in or into which the sewage works are being established or extended.

Subsection 3. Where the Commission has approved the extension by a person of his sewage works from one municipality into another, the person undertaking the extension may apply to the Municipal Board for an order to amend any by-law prohibiting or regulating the use of land for the disposal of refuse or industrial waste or any zoning by-law or any official plan that might otherwise prevent such extension; the powers of the Board on such an application are set out.

The Ontario Water Resources Commission Amendment Act, 1966, is amended by striking out "each other municipality concerned" in the seventh line and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the subsection shall read as follows:

- (1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct.
- Establishment or extension of sewage works in or into another municipality, etc.

- (2) Subsection 5 of the said section 32 is amended by striking out "each other municipality concerned" in the thirty-first and thirty-second lines and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the last four lines of the subsection shall read as follows:
- R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 5, amended

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct.

- (3) The said section 32 is amended by adding thereto the following subsections:
- R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

- (11) Where the Commission has given its approval under section 31 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of the land for the extension.
- Application to Board
- R.S.O. 1960, cc. 249, 296

Powers of
Board

- (12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,
c. 281,
s. 32a (1966,
c. 108, s. 6),
amended

15. Section 32a of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1966*, is amended by adding thereto the following subsections:

Application
to Board

- (4) Where the Commission has given its approval under section 31 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1960,
cc. 249, 296

Powers of
Board

- (5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,
c. 281,
amended

16. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Application
of s. 32,
subss. 11, 12,
and s. 32a,
subss. 4, 5
to municip-
ality

- 32b. Subsections 11 and 12 of section 32 and subsections 4 and 5 of section 32a apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

R.S.O. 1960,
c. 281, s. 40,
subs. 1,
par. 2,
amended

17. Paragraph 2 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is amended by striking out "the rate of 3¼ per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "such rate as is prescribed by regulation by the Commission", so that the paragraph shall read as follows:

SECTION 15. Similar in intent to subsection 3 of section 14 of the Bill and applicable where the Commission has approved the establishment or extension by a person within a municipality of a sewage treatment works.

SECTION 16. Self-explanatory.

SECTION 17. The rate of interest under this provision will be as prescribed by the Commission with the approval of the Lieutenant Governor in Council.

SECTION 18. Where, in connection with a project or a provincial work, service drains are constructed as part of a sewage works, the municipality may recover the cost of the construction from the owners of land serviced by the drains over a period of years.

SECTION 19—Subsection 1. Complementary to section 26 of the Bill.

SECTION 20. The Commission may expend moneys out of a reserve account established in respect of one project for a municipality for any other project for the same municipality.

SECTION 21—Subsection 1. Complementary to section 17 of the Bill, and providing additional regulation-making powers.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the Commission to form at the expiry of such period of years a fund equal to the cost of such project.

18. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 281,
amended

- 41a. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 16 or under section 39, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. Cost of
construction
of service
drains

19. Subsection 5 of section 42 of *The Ontario Water Resources Commission Act* is repealed. R.S.O. 1960,
c. 281, s. 42,
subs. 5,
repealed

20. Section 43 of *The Ontario Water Resources Commission Act*, as amended by section 12 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 6 of *The Ontario Water Resources Commission Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 281,
s. 43,
amended

- (1a) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. When
moneys
may be
expended
in respect of
another
project

21.—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 11 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

(da) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 40;

(fa) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

(ga) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder.

R.S.O. 1960,
c. 281, s. 47,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 47 is repealed and the following substituted therefor:

Offence

(3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000.

R.S.O. 1960,
c. 281,
s. 47b
(1961-62,
c. 99, s. 15),
subs. 2,
amended

22. Subsection 2 of section 47b of *The Ontario Water Resources Commission Act*, as enacted by section 15 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by inserting at the commencement thereof "Subject to section 52", so that the subsection shall read as follows:

Penalties
R.S.O. 1960,
c. 249

(2) Subject to section 52, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

R.S.O. 1960,
c. 281, s. 51
(1960-61,
c. 71, s. 7),
amended

23. Section 51 of *The Ontario Water Resources Commission Act*, as enacted by section 7 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Application
to certain
sewage
works

(2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964.

R.S.O. 1960,
c. 281, s. 52
(1964, c. 86,
s. 11),
amended

24. Section 52 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting

Subsection 2. The minimum penalty for a breach of the regulations is increased from \$5 to \$25 and the maximum penalty is increased from \$500 to \$1000.

SECTION 22. Complementary to section 24 of the Bill.

SECTION 23. The amendment provides that the Commission in relation to sewage works constructed with the assistance of loans under Part VIB of the *National Housing Act, 1954* (Canada) under agreements entered into after the 1st day of September, 1964, may not act as an agent of a municipality.

SECTION 24. The time for commencing a prosecution under a plumbing inspection by-law passed by a municipality or local board is enlarged from six months to one year.

SECTION 25. Complementary to section 5 of the Bill.

SECTION 26. This provision was formerly contained in subsection 5 of section 42 of the Act and related only to amounts due by a municipality to the Commission under an agreement respecting a project; it is now made of general application in all cases where moneys are owing to the Commission, and permits the Commission to recover interest and expenses of debt service if any owed by it to the Treasurer of Ontario with respect to the moneys owing. The former provision adding interest at the rate of 6 per cent per annum after default is deleted.

after "Act" in the second line "or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b*", so that the section shall read as follows:

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b* may be instituted within one year after the time when the subject-matter of the proceedings arose.

25. Section 53 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "Commission" in the first line "or an officer to whom power has been delegated by the Commission under section 8*a*" and by inserting after "Commission" in the second and third lines "or such officer", so that the section shall read as follows:

53. Where the Commission or an officer to whom power has been delegated by the Commission under section 8*a* has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person.

26. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

58. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person.

27. This Act comes into force on the day it receives Royal Assent.

28. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1970*.

An Act to amend The Ontario
Water Resources Commission Act

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

MR. KERR

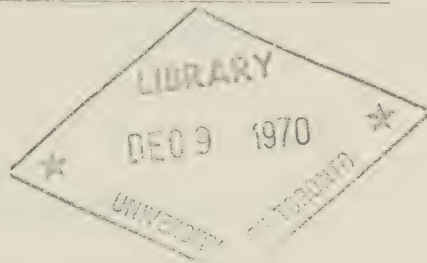
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Publication

BILL 215

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Ontario Water Resources Commission Act

MR. KERR

BILL 215

1970

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Ontario Water Resources Commission Act* is amended by adding at the end thereof “and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47”, so that the clause shall read as follows:

R.S.O. 1960,
c. 281, s. 1,
cl. *p*,
amended

(*p*) “sewage” includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47.

2.—(1) Subsection 1 of section 3 of *The Ontario Water Resources Commission Act* is amended by striking out “three” in the fifth line and inserting in lieu thereof “five” and by striking out “seven” in the fifth line and inserting in lieu thereof “eleven”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 281, s. 3,
subs. 1,
amended

(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time determines.

Commission
continued
1956, c. 62

(2) Subsections 2 and 3 of the said section 3 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 3,
subss. 2, 3,
re-enacted

(2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen.

Appoint-
ment

Acting
chairman

- (3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman.

R.S.O. 1960,
c. 281, s. 4,
amended

3. Section 4 of *The Ontario Water Resources Commission Act* is amended by inserting after "minute" in the first line "of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission", so that the section shall read as follows:

Evidence

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission certified by the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof.

R.S.O. 1960,
c. 281, s. 8
(1965, c. 91,
s. 1),
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 8 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1965*, is repealed and the following substituted therefor:

Quorum

- (1) Except as provided in subsection 2, three members of the Commission constitute a quorum.

R.S.O. 1960,
c. 281, s. 8
(1965, c. 91,
s. 1),
subs. 2,
cls. a-f,
repealed

- (2) Clauses *a, b, c, d, e* and *f* of subsection 2 of the said section 8 are repealed.

R.S.O. 1960,
c. 281,
amended

5. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Delegation
of powers

- 8a. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

- (a) subsections 2, 2a, 4 and 5 of section 28a;
- (b) subsections 1 and 3 of section 28b;
- (c) subsections 1 and 2 of section 28c;
- (d) subsections 1, 2 and 4 of section 29;

- (e) subsections 1 and 3 of section 30;
- (f) subsections 1 and 3 of section 31;
- (g) subsections 1, 4 and 10 of section 32 and subsections 1 and 3 of section 32*a* respecting the holding of a hearing and the giving of notice thereof; or
- (h) subsections 1 and 1*a* of section 43.

6. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is amended by inserting after "permanent" in the second line "and full-time probationary", so that the subsection shall read as follows:

R.S.O. 1960,
c. 281, s. 10,
subs. 2
(1962-63,
c. 99, s.1),
amended

- (2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'
superannua-
tion benefits
R.S.O. 1960,
c. 332

7. Section 18 of *The Ontario Water Resources Commission Act*, as amended by section 2 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 1 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 281, s. 18,
amended

- (4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the offence is committed or continues.

Offence

8. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 281,
amended

- 25*a*. Under sections 26, 27, 27*b* and 28 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or

Where
quality of
water
deemed to
be impaired

consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water.

R.S.O. 1960,
c. 281, s. 26,
subs. 1,
re-enacted

9. Subsection 1 of section 26 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Supervision
of waters

- (1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario.

R.S.O. 1960,
c. 281, s. 27,
subs. 1
(1961-62,
c. 99, s. 5),
amended

10.—(1) Subsection 1 of section 27 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by striking out “to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment”, so that the subsection shall read as follows:

Discharge
of
polluting
material
prohibited

- (1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

R.S.O. 1960,
c. 281, s. 27,
amended

(2) The said section 27 is amended by adding thereto the following subsections:

Separate
offences

- (1a) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence.

Commission
to be
notified
when
polluting
material is
discharged,
deposited or
escapes

- (1b) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes

into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be.

- (1c) Every municipality or person that fails to notify the Commission as provided in subsection 1b is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

11. *The Ontario Water Resources Commission Act* is R.S.O. 1960, c. 281, amended by adding thereto the following sections:

27a.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may, with the approval of the Minister, be amended, varied or revoked by the Commission as it considers desirable.

- (2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

- (3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence.

27b.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise.

- (2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for every day the contravention continues.

Before
making
order
Commission
to hold
hearing

- 27c. Before making an order under section 27a, 27b, subsection 2a of section 28a or section 50, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed.

R.S.O. 1960,
c. 281, s. 30,
subs. 2,
amended

12. Subsection 2 of section 30 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the eleventh line "or his successor or assignee", so that the subsection shall read as follows:

Powers of
Commission
where water
works
undertaken
without
approval

- (2) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,
c. 281, s. 31,
subs. 2,
amended

13. Subsection 2 of section 31 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the twelfth line "or his successor or assignee", so that the subsection shall read as follows:

Powers of
Commission
where
sewage
works
undertaken
without
approval

- (2) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,
c. 281, s. 32
(1966,
c. 108, s. 5),
subs. 1,
amended

14.—(1) Subsection 1 of section 32 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of

The Ontario Water Resources Commission Amendment Act, 1966, is amended by striking out "each other municipality concerned" in the seventh line and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the subsection shall read as follows:

- (1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct.
- Establishment or extension of sewage works in or into another municipality, etc.

- (2) Subsection 5 of the said section 32 is amended by striking out "each other municipality concerned" in the thirty-first and thirty-second lines and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the last four lines of the subsection shall read as follows:
- R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct.

- (3) The said section 32 is amended by adding thereto the following subsections:
- R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

- (11) Where the Commission has given its approval under section 31 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of the land for the extension.
- Application to Board
- R.S.O. 1960, cc. 249, 296

Powers of
Board

- (12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,
c. 281,
s. 32*a* (1966,
c. 108, s. 6),
amended

15. Section 32*a* of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1966*, is amended by adding thereto the following subsections:

Application
to Board

- (4) Where the Commission has given its approval under section 31 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1960,
cc. 249, 296

Powers of
Board

- (5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,
c. 281,
amended

16. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Application
of s. 32,
subss. 11, 12,
and s. 32*a*,
subss. 4, 5
to municipi-
ality

- 32*b*. Subsections 11 and 12 of section 32 and subsections 4 and 5 of section 32*a* apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

R.S.O. 1960,
c. 281, s. 40,
subss. 1,
par. 2,
amended

17. Paragraph 2 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is amended by striking out "the rate of 3¼ per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "such rate as is prescribed by regulation by the Commission", so that the paragraph shall read as follows:

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the Commission to form at the expiry of such period of years a fund equal to the cost of such project.

18. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 281,
amended

- 41a. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 16 or under section 39, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. Cost of
construction
of service
drains

19. Subsection 5 of section 42 of *The Ontario Water Resources Commission Act* is repealed. R.S.O. 1960,
c. 281, s. 42,
subs. 5,
repealed

20. Section 43 of *The Ontario Water Resources Commission Act*, as amended by section 12 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 6 of *The Ontario Water Resources Commission Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 281,
s. 43,
amended

- (1a) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. When
moneys
may be
expended
in respect of
another
project

21.—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 11 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

- (da) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 40;

.

- (fa) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

.

- (ga) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder.

R.S.O. 1960,
c. 281, s. 47,
subs. 3,
re-enacted

- (2) Subsection 3 of the said section 47 is repealed and the following substituted therefor:

Offence

- (3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000.

R.S.O. 1960,
c. 281,
s. 47b,
(1961-62,
c. 99, s. 15),
subs. 2,
amended

- 22.** Subsection 2 of section 47b of *The Ontario Water Resources Commission Act*, as enacted by section 15 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by inserting at the commencement thereof "Subject to section 52", so that the subsection shall read as follows:

Penalties
R.S.O. 1960,
c. 249

- (2) Subject to section 52, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

R.S.O. 1960,
c. 281, s. 51
(1960-61,
c. 71, s. 7),
amended

- 23.** Section 51 of *The Ontario Water Resources Commission Act*, as enacted by section 7 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Application
to certain
sewage
works

- (2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964.

R.S.O. 1960,
c. 281, s. 52
(1964, c. 86,
s. 11),
amended

- 24.** Section 52 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting

after "Act" in the second line "or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b*", so that the section shall read as follows:

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b* may be instituted within one year after the time when the subject-matter of the proceedings arose.
- Proceedings to enforce provisions of Act, regulations or by-laws

25. Section 53 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "Commission" in the first line "or an officer to whom power has been delegated by the Commission under section 8*a*" and by inserting after "Commission" in the second and third lines "or such officer", so that the section shall read as follows:

R.S.O. 1960, c. 281, s. 53 (1964, c. 86, s. 11), amended

53. Where the Commission or an officer to whom power has been delegated by the Commission under section 8*a* has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person.
- Enforcing performance of things required to be done by Commission

26. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 281, amended

58. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person.
- Recovery of moneys owing to Commission

27. This Act comes into force on the day it receives Royal Assent.

Commencement

28. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1970*.

Short title

An Act to amend The Ontario
Water Resources Commission Act

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 13th, 1970

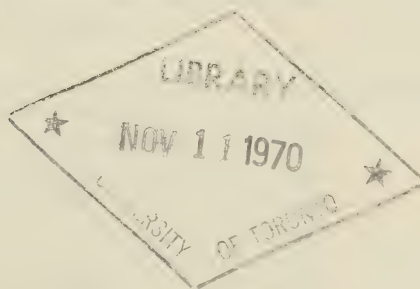
MR. KERR

BILL 216

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend
The City of The Lakehead Act, 1968-69

MR. McKEOUGH



EXPLANATORY NOTES

SECTION 1. The subsection repealed provided that the provisions of section 12, relating to the manner of levying rates, applied only in the years 1970, 1971 and 1972. The provisions will now apply until the Minister by order otherwise directs. See section 4 of the Bill.

SECTION 2. The amount of the levy which may be authorized by by-law before the adoption of the estimates in any year is limited to a sum not exceeding 50 per cent of that which would be produced by applying the total rate levied in the preceding year. Formerly it was limited to a rate not exceeding 55 mills.

BILL 216

1970

**An Act to amend
The City of The Lakehead Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 12 of *The City of The Lakehead Act, 1968-69* is repealed. 1968-69,
c. 56, s. 12,
subs. 9,
repealed

2. Section 13 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 56, s. 13,
re-enacted

13.—(1) Notwithstanding section 12, the council of the City may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the assessment for real property in the ward, according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on residential real property of public school supporters. Levy
before
estimates
adopted,
on real
property

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 12, may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the business assessment in the ward according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on business assessment of public school supporters. on business
assessment

Levy under
section 12
to be
reduced

- (3) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section.

Application
of R.S.O.
1960, c. 249

- (4) The provisions of *The Municipal Act* with respect to the levy of the yearly rates and the collection of taxes apply *mutatis mutandis* to the levy of rates and collection of taxes under this section.

By-laws
not to be
passed
under R.S.O.
1960, c. 249
1968-69,
c. 56, s. 15,
re-enacted

- (5) The council of the City shall not pass by-laws under section 294a of *The Municipal Act*.

3. Section 15 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor:

Rates under
R.S.O. 1960,
c. 368

- 15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each ward.

Rates for
public
school pur-
poses on
commercial
assessment
R.S.O. 1960,
c. 361

- (2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for public school purposes in each ward bears to the total commercial assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for
public
school
purposes on
residential
assessment

- (3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for public school purposes in each ward bears to the total residential assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for
secondary
school pur-
poses on
commercial
assessment

- (4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for secondary school purposes in each ward bears to the total commercial assessment for

SECTION 3. The amendments provide that the apportionment for public and secondary school purposes be made separately on commercial and residential assessment instead of on the combined assessment. Provision is also made for taking into account the regulations in respect of apportionment made under section 87a of *The Secondary Schools and Boards of Education Act*.

SECTION 4. The application of these sections was formerly limited to the years 1970, 1971 and 1972.

secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

- (5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for secondary school purposes in each ward bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.
- Rates for secondary school purposes on residential assessment R.S.O. 1960, c. 361

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulations.
- Regulations under R.S.O. 1960, c. 362 to apply

4. *The City of The Lakehead Act, 1968-69* is amended by adding thereto the following section:

R.S.O. 1960, c. 56, amended

15a. Sections 12, 13 and 15 shall cease to apply on dates to be determined by order of the Minister.

Application of sections 12, 13 and 15

5. This Act comes into force on the day it receives Royal Assent.

Commencement

6. This Act may be cited as *The City of The Lakehead Amendment Act, 1970*.

Short title

An Act to amend
The City of The Lakehead Act, 1968-69

1st Reading

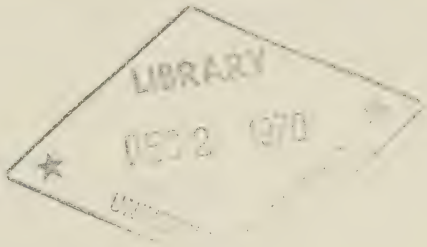
November 2nd, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend
The City of The Lakehead Act, 1968-69

MR. McKEOUGH

BILL 216

1970

An Act to amend The City of The Lakehead Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 12 of *The City of The Lakehead Act, 1968-69* is repealed. 1968-69,
c. 56, s. 12,
subs. 9,
repealed

2. Section 13 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 56, s. 13,
re-enacted

13.—(1) Notwithstanding section 12, the council of the City may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the assessment for real property in the ward, according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on residential real property of public school supporters. Levy
before
estimates
adopted,
on real
property

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 12, may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the business assessment in the ward according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on business assessment of public school supporters. on business
assessment

Levy under
section 12
to be
reduced

- (3) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section.

Application
of R.S.O.
1960, c. 249

- (4) The provisions of *The Municipal Act* with respect to the levy of the yearly rates and the collection of taxes apply *mutatis mutandis* to the levy of rates and collection of taxes under this section.

By-laws
not to be
passed
under R.S.O.
1960, c. 249
1968-69,
c. 56, s. 15,
re-enacted

- (5) The council of the City shall not pass by-laws under section 294a of *The Municipal Act*.

3. Section 15 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor:

Rates under
R.S.O. 1960,
c. 368

- 15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each ward.

Rates for
public
school pur-
poses on
commercial
assessment
R.S.O. 1960,
c. 361

- (2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for public school purposes in each ward bears to the total commercial assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for
public
school
purposes on
residential
assessment

- (3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for public school purposes in each ward bears to the total residential assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for
secondary
school pur-
poses on
commercial
assessment

- (4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for secondary school purposes in each ward bears to the total commercial assessment for

secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

- (5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for secondary school purposes in each ward bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.
- Rates for secondary school purposes on residential assessment
R.S.O. 1960, c. 361

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulations.
- Regulations under
R.S.O. 1960, c. 362
to apply

4. *The City of The Lakehead Act, 1968-69* is amended by adding thereto the following section:

R.S.O. 1960, c. 56, amended

- 15a. Sections 12, 13 and 15 shall cease to apply on dates to be determined by order of the Minister.
- Application of sections
12, 13 and 15

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The City of The Lakehead Amendment Act, 1970*.

Short title

An Act to amend
The City of The Lakehead Act, 1968-69

1st Reading

November 2nd, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. McKEOUGH

BILL 217

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to provide for
Collective Bargaining for Crown Employees**

MR. MACNAUGHTON



EXPLANATORY NOTE

The purpose of the Bill is to formalize collective bargaining procedures in the government service under the authority of a Tribunal having power to decide matters concerning representation of employees by bargaining agents and protection of employees against unfair labour practices. The Bill provides procedures for the resolution of grievances arising out of the application or interpretation of collective agreements, as well as the settlement of bargaining disputes.

An Act to provide for Collective Bargaining for Crown Employees

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “adjudicator” means a member of the Ontario Public Service Labour Relations Tribunal;
- (b) “bargaining agent” means an employee organization that has representation rights under this Act;
- (c) “bargaining unit” means a unit of employees established for collective bargaining in accordance with this Act;
- (d) “board” means a board of arbitration established under this Act;
- (e) “civil servant” means a civil servant as defined in *The Public Service Act, 1961-62*; 1961-62,
c. 121
- (f) “classified service” means the classified service as defined in *The Public Service Act, 1961-62*;
- (g) “collective agreement” means an agreement in writing between the employer and an employee organization covering terms and conditions of employment;
- (h) “Crown” means Her Majesty in right of Ontario;
- (i) “employee” means a person employed in the service of the Crown or an agency of the Crown and includes persons employed by the Ontario Provincial Police, the Liquor Control Board, the Liquor Licence Board, the Ontario Hospital Services Commission, the

Ontario Housing Corporation, the Ontario Water Resources Commission, the Niagara Parks Commission, the Workmen's Compensation Board and a college of applied arts and technology, but does not include,

- (i) an employee of The Hydro-Electric Power Commission of Ontario or of the Ontario Northland Transportation Commission,
 - (ii) a person employed in a managerial or confidential capacity,
 - (iii) a person who is a member of the architectural, dental, engineering, legal or medical professions, entitled to practise in Ontario and employed in a professional capacity,
 - (iv) a person employed in Group 1 of the unclassified service as defined by the regulations made under *The Public Service Act, 1961-62*,
 - (v) a person who is employed on a casual or temporary basis, unless he has been so employed for a period of six months or more, or is employed for twenty-four hours per week or less, or is a student employed during his regular vacation period or under a co-operative educational training program,
 - (vi) a person engaged and employed outside Ontario,
 - (vii) a person employed in the office of the Provincial Auditor or of the Speaker or Deputy Speaker of the Assembly, or
 - (viii) a person who occupies a position or is in a classification excluded by the regulations;
- (j) "employee organization" means an organization of employees formed for the purpose of regulating relations between the employer and employees under this Act, but does not include such an organization of employees that,
- (i) receives from any of its members who are employees any money for activities carried on by or on behalf of any political party,

1961-62,
c. 121

- (ii) handles or pays in its own name on behalf of members who are employees any money for activities carried on by or on behalf of any political party,
 - (iii) requires as a condition of membership therein the payment by any of its members who are employees of any money for activities carried on by or on behalf of any political party,
 - (iv) supports or requires its members who are employees otherwise to support any political party, or
 - (v) discriminates against any employee because of sex, race, national origin, colour or religion;
- (k) "employer" means Her Majesty in right of Ontario as represented, in the case of the public service, by the Treasury Board, and in the case of an agency of the Crown, by the body designated by the regulations;
- (l) "lock-out" includes the closing of a place of employment, a suspension of work or a refusal by the employer to continue to employ a number of employees with a view to compel or induce the employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, an employers' organization, the employee organization or the employees;
- (m) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (n) "party" means the employee organization that is the bargaining agent for a bargaining unit, on the one hand, and the employer, on the other hand, and "parties" means the two of them;
- (o) "person employed in a managerial or confidential capacity" means a person who,
- (i) is employed in a position confidential to the Lieutenant Governor, a Minister of the Crown, a judge of a provincial court, the

deputy head of a department of the Government of Ontario or the chief executive officer of any agency of the Crown.

- (ii) is involved in the formulation of organization objectives and policy in relation to the development and administration of government programs or in the formulation of government budgets,
- (iii) spends a significant portion of his time in the supervision of employees or may be required by reason of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
- (iv) is employed in a position confidential to any person described in subclause i, ii or iii,
- (v) is employed in a confidential capacity in matters relating to employee relations including a person employed in a clerical, stenographic or secretarial position in the Department of Civil Service or the staff relations branch of the Treasury Board or in a personnel office in a department or agency of the Government of Ontario, or
- (vi) is not otherwise described in subclause i, ii, iii, iv or v but who in the opinion of the Tribunal should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;

1961-62.
c. 121

- (p) "public servant" means a public servant as defined in *The Public Service Act, 1961-62*, and "public service" has a corresponding meaning;
- (q) "Public Service Grievance Board" means the Public Service Grievance Board established under *The Public Service Act, 1961-62*;
- (r) "regulations" means the regulations made under this Act;
- (s) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or interfere with work or services;

- (t) "Tribunal" means the Ontario Public Service Labour Relations Tribunal;
- (u) "unclassified service" means the unclassified service as defined in *The Public Service Act, 1961-62*.

REPRESENTATION RIGHTS

2.—(1) Where no employee organization has representation rights in respect of an appropriate bargaining unit established under this Act, an employee organization may apply at any time to the Tribunal for representation rights as bargaining agent of the employees in such unit. ^{Application for representation rights}

(2) Where a collective agreement is for a term of not more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement. ^{Idem}

(3) Where a collective agreement is for a term of more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the thirty day period immediately prior to the last ninety days, ^{Idem}

(a) of the operation of the third year of the agreement;

(b) of each year that the agreement continues to operate after the third year; or

(c) of the termination of the agreement.

(4) Every application for representation rights shall be accompanied by the financial statement of the employee organization for the latest complete fiscal year and an affidavit both in the same form as required under subsections 1 and 2 of section 42. ^{Application to include financial statement}

(5) Every employee organization designated by the regulations shall have representation rights upon the coming into force of this Act in relation to such bargaining unit or units as are designated by the regulations. ^{Representation rights on coming into force of Act}

3.—(1) Upon an application for representation rights, the Tribunal shall, subject to subsection 2, determine the unit of employees that is appropriate for collective bargaining purposes under this Act. ^{Tribunal to determine appropriate unit of employees}

Existing
units
appropriate
for
collective
bargaining

(2) The bargaining units designated in the regulations are appropriate units for collective bargaining purposes under this Act.

Rep-
resentation
vote

4.—(1) Upon an application for representation rights by an employee organization claiming not less than 35 per cent of the employees in the appropriate bargaining unit as members, the Tribunal upon satisfying itself that not less than 35 per cent of such employees are members of the employee organization shall direct that a representation vote be taken.

Result of
vote

(2) If, on the taking of a representation vote, more than 50 per cent of the ballots of all those eligible to vote are cast in favour of the employee organization, the Tribunal shall grant representation rights to the employee organization as the exclusive bargaining agent of the employees in the bargaining unit.

Eligible
voters

(3) In determining the number of eligible voters for the purpose of subsection 2, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Certain
employee
organiza-
tions not to
have rep-
resentation
rights

5. The Tribunal shall not grant representation rights to any employee organization in the formation or administration of which there has been or is, in the opinion of the Tribunal, participation by the employer or any person acting on behalf of the employer of such a nature as to impair the employee organization's fitness to represent the interests of employees in the bargaining unit.

NEGOTIATION OF AGREEMENTS

Notice of
desire to
bargain

6. Upon being granted representation rights, the employee organization may give the employer written notice of its desire to bargain with a view to making a collective agreement.

Obligation
to bargain

7. The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

MEDIATION

Appoint-
ment of
mediator

8.—(1) Where notice has been given under section 6 or 20, the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, appoint a mediator who shall confer with the parties and endeavour to effect a collective agreement.

Report of
mediator if
unable to
effect
agreement

(2) If the mediator is unable to effect a collective agree-
ment between the parties within thirty days after the date of

his appointment or such longer period as the Tribunal may direct or the parties may agree upon, he shall report thereupon to the Tribunal.

ARBITRATION

9. If the mediator appointed under section 8 is unable to effect a collective agreement or if the Tribunal determines that a mediator should not be appointed, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided in accordance with this Act. When matters to be determined by arbitration

10.—(1) A person shall be appointed by the Lieutenant Governor in Council for a renewable term of two years to be the chairman of every board of arbitration established under this Act. Chairman

(2) Within fourteen days after receipt of notice from the Tribunal that the mediator has reported that he is unable to effect a collective agreement or that the Tribunal has determined that a mediator should not be appointed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act. Appointment of members of board by parties

(3) Where a party fails to appoint a member of a board within the period of fourteen days mentioned in subsection 2, the Tribunal, upon the written request of either of the parties shall appoint such member. Failure of party to appoint member

(4) As soon as one of the parties appoints a member to a board, it shall notify in writing the other party and the chairman of the name and address of the member appointed. Notice of appointment by party

(5) If a person, other than the chairman, ceases to be a member of a board by reason of his resignation, death or otherwise before it has completed its work, the Tribunal shall appoint a member in his place after consulting the party whose point of view was represented by such person. Vacancies

(6) If, in the opinion of the Tribunal, a member of a board, other than the chairman, has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Tribunal may appoint a member in his place after consulting the party whose point of view was represented by such person. Replacement of member

(7) If the chairman of a board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Lieutenant Governor in Council may appoint a person to act as chairman in his place. Replacement of chairman

Persons
prohibited
as members

(8) No person shall be appointed a member of a board who has any pecuniary interest in the matters coming before it or who is acting or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Procedure

(9) A board shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(10) If the members of a board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(11) The decision of a majority of the members of a board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers of
board

(12) A board and any member thereof have, respectively, all the powers of the Tribunal and any member thereof,

- (a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath or affirmation;
- (b) to administer oaths and affirmations for the purposes of an arbitration; and
- (c) to accept or exclude any oral testimony, document or other thing.

Idem

(13) A board or any member thereof may,

- (a) enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to it or him, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences; and
- (b) authorize any person to do anything that the board or a member thereof may do under clause *a* and to report thereon to the board or member.

Duty of
board

11.—(1) The board shall examine into and decide on matters that are in dispute within the scope of collective bargaining under this Act.

(2) In the conduct of proceedings before it and in rendering a decision in respect of a matter in dispute the board shall consider, Factors to be taken into account by board

- (a) the needs of the public service for qualified employees;
- (b) the conditions of employment in similar occupations outside the public service, including such geographic, industrial or other variations as the board may consider relevant;
- (c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications in the public service;
- (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered; and
- (e) any other factor that to it appears to be relevant to the matter in dispute.

(3) The board may, upon application by either party to a decision within ten days after the release of the decision, amend, alter or vary the decision where it is shown to the satisfaction of the board that it has failed to deal with any matter in dispute referred to it or that an error is apparent in the decision. Reference back to board

(4) *The Arbitrations Act* does not apply to arbitrations under this act. R.S.O. 1960, c. 18 not to apply

12.—(1) Where, during the bargaining under this Act or during the proceedings before the board, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under this Act. Where agreement reached

(2) Where, during the bargaining under this Act or during the proceedings before the board, the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision, except as otherwise agreed by the parties, shall be confined to the matters not agreed upon by the parties, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare Decision of board

a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(3) The board shall, in its decision, fix the time within which the parties shall execute the document.

Failure to
execute
agreement

(4) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under this Act, effective from the day designated in the order or, failing such designation, from the day upon which the order was made.

Agreement
not to
require
legislative
implementa-
tion

13. No collective agreement shall contain any term which would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating moneys for its implementation.

Employee
organization
as exclusive
bargaining
agent

14. Every collective agreement shall be deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent for the bargaining unit to which the agreement applies.

Payment of
dues to
employee
organization

15.—(1) The parties to a collective agreement may provide, subject to the regulations, for the payment by the employees of dues or contributions to the employee organization.

Requiring
membership
in employee
organization
prohibited

(2) No collective agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization.

Minimum
term of
agreements

16. If a collective agreement does not provide for its term of operation, or provides for its operation for an unspecified term or for a term of less than two years, it shall be deemed to provide for a term of two years from the date it commenced to operate.

Exclusive
functions
of employer

17. Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to determine complement, departmental organization, employment, classification, job evaluation, merit system, superannuation and the standards, procedures or processes governing the appointment, appraisal, promotion, demotion, transfer, lay-off or termination of employment of employees, and that such matters shall not be the subject of collective bargaining nor come within the jurisdiction of a board.

18.—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Public Service Grievance Board and the Board, after giving full opportunity to the parties to present their evidence and to make their submissions, shall decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement. Arbitration of disputes under agreement

(2) The Public Service Grievance Board and any member thereof have, respectively, the same powers as a board of arbitration and a member thereof under subsections 12 and 13 of section 10. Powers

OPERATION OF AGREEMENTS

19.—(1) A collective agreement is, subject to and for the purposes of this Act, binding upon the employer, upon the employee organization that is a party thereto and upon the employees in the bargaining unit covered by the agreement. Binding effect of agreement

(2) Subsection 1 applies to every collective agreement covering a unit of employees referred to in subsection 2 of section 3 which is in operation upon the coming into force of this Act. Application of subs. 1 to existing agreements

20. Either party to a collective agreement desiring to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or the making of a new agreement, may, only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement, give notice in writing thereof to the other party accompanied by a statement in writing of its proposed modifications, if any. Notice of desire to bargain for renewal or new agreement

21.—(1) Where notice has been given by the employee organization under section 6, the conditions then in effect applicable to or binding upon the employer, the employee organization or the employees which are subject to collective bargaining within the meaning of this Act shall not be altered without the consent of the employer, the employee organization or the employees, as the case may be. Conditions in effect when notice to bargain given not to be altered

(2) Where notice has been given by either party to a collective agreement under section 20, except as altered by an agreement in writing of the parties, the terms and provisions of the agreement then in operation shall continue to operate Agreement to continue after notice to bargain for renewal or new agreement

until a new agreement entered into pursuant to the provisions of this Act is in operation.

TERMINATION OF REPRESENTATION RIGHTS

Application
for termina-
tion of
representa-
tion rights

22.—(1) If an employee organization does not enter into a collective agreement with the employer within one year after being granted representation rights or fails to give notice of its intention to bargain as provided under section 20 and no such notice has been given by the employer, the employer or any employee in the bargaining unit concerned may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit.

Idem

(2) Any employee in the bargaining unit covered by a collective agreement may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.

Representa-
tion vote

(3) Upon the application under subsection 2, the Tribunal shall ascertain the number of employees in the bargaining unit at the time the application was made and if a majority of the employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the employee organization, the Tribunal shall conduct a representation vote to determine whether or not a majority of the employees desire that the right of the employee organization to bargain on their behalf be terminated.

Eligible
voters

(4) In determining the number of eligible voters for the purpose of subsection 3, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Result
of vote

(5) If, on the taking of the representation vote, more than 50 per cent of the ballots of all those eligible to vote are cast in opposition to the employee organization, the Tribunal shall declare that the employee organization that was granted representation rights or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Effect of
termination

(6) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate

and any decision of a board applying to the bargaining unit ceases to have effect.

23.—(1) Where the Tribunal is advised by an employee organization that it wishes to be released of its representation rights in respect of a bargaining unit or where the Tribunal, upon application by the employer or any employee in a bargaining unit represented by an employee organization, determines that the employee organization has ceased to act on behalf of the employees, the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

Termination of rights where employee organization desires or has ceased to act

(2) Where the Tribunal,

(a) upon application thereto by the employer or any employee concerned, determines that an employee organization would not, if it were applying for representation rights in respect of a bargaining unit, be granted such rights by the Tribunal by reason of failure to qualify under clause *j* of section 1; or

(b) is satisfied that an employee organization has obtained representation rights in respect of a bargaining unit by fraud,

Where lack of qualification or obtained by fraud

the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

(3) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision made by a board applying to the bargaining unit ceases to have effect.

Effect of termination

PROHIBITIONS

24. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization.

Persuasion at place of work

25. The employer shall not cause a lock-out, and an employee shall not strike.

Strike and lock-out prohibited

26.—(1) No person who is acting on behalf of the employer shall participate in or interfere with the selection, formation or administration of an employee organization or the representation of employees by such an organization.

Interference with employee organization prohibited

Interference
with
employee's
rights
prohibited

(2) The employer or any person acting on behalf of the employer shall not,

- (a) refuse to employ or to continue to employ or discriminate against a person with regard to employment or any term or condition of employment because the person is exercising any right under this Act or is or is not a member of an employee organization;
- (b) impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act;
- (c) seek by intimidation, by threat of dismissal or by any other kind of threat or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee to become or refrain from becoming or to continue or cease to be a member of an employee organization, or to refrain from exercising any other right under this Act; or
- (d) refuse to employ or continue to employ or discriminate against a person with regard to employment only because the person refused to make a contribution or expenditure to or on behalf of any political party or to or on behalf of a candidate for public office,

but no person shall be deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed or proposed to be employed in a managerial or confidential capacity.

Intimidation
and
coercion

(3) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act.

Remedy

(4) Upon a complaint to the Tribunal by any person that he has been discharged or dealt with contrary to subsection 2 or 3, the Tribunal, after inquiring into the complaint, shall determine what, if anything, the employer, employee organization or other person shall do or refrain from doing with respect thereto, and such determination may include the hiring or

reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employee benefits, and the employer, employee organization or other person shall, notwithstanding the provisions of any collective agreement or arbitration award, do or abstain from doing anything required of them or any of them by the determination.

(5) Where the employer or employee organization or other person has failed to comply with any of the terms of the determination, any employer, employee organization or person affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Tribunal in writing of such failure, and thereupon the Tribunal may file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the form prescribed by the regulations, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of determination

27. An employee organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not. Duty of fair representation

28. No employee organization shall declare or authorize a strike of employees, and no officer or representative of an employee organization shall counsel, procure or support the declaration or authorization of a strike of employees or the participation of employees in a strike. Authorizing or counselling strikes prohibited

29. Where it is alleged that an employee organization has declared or authorized a strike or that employees are engaging in a strike, the employer may apply to the Tribunal for a declaration that the strike would be or is unlawful and the Tribunal, after affording an opportunity to the employee organization or to the employees, as the case may be, to be heard on the application, may make such a declaration. Declaration of unlawful strike

30. No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will take any action contrary to section 25. Causing unlawful strikes, lock-outs

31. No employee organization shall suspend, expel or penalize in any way a member because he has refused to engage in or to continue to engage in any action contrary to section 25. Refusal to engage in unlawful strike

Protection of
witnesses'
rights

32.—(1) The employer or any person acting on behalf of the employer shall not,

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;
- (c) discriminate against a person in regard to employment or a term or condition of employment; or
- (d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Idem

(2) No employee organization or person acting on behalf of an employee organization shall,

- (a) discriminate against a person in regard to employment or a term or condition of employment; or
- (b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

TRIBUNAL

Tribunal
established

33.—(1) There shall be a tribunal to be known as the Ontario Public Service Labour Relations Tribunal.

Composition

(2) The Tribunal shall be composed of one or more adjudicators appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council considers appropriate.

Chairman

(3) The Lieutenant Governor in Council shall designate one adjudicator to be the chairman.

Vacancy

(4) A vacancy in the membership of the Tribunal for any cause may be filled by the Lieutenant Governor in Council.

(5) One adjudicator constitutes a quorum and is sufficient ^{Quorum} for the exercise of all the jurisdiction and powers of the Tribunal.

(6) The chairman shall from time to time assign the ^{Assignment of} adjudicators of the Tribunal to its various sittings and ^{adjudicators} designate one as presiding member for each sitting.

(7) Where the Tribunal at any sitting is composed of one ^{Decision} adjudicator, his decision constitutes a decision of the Tribunal, and, where the Tribunal at any sitting is composed of more than one adjudicator, a decision of a majority of the adjudicators, constitutes a decision of the Tribunal, provided that in the event of a tie vote, the presiding member has a casting vote.

34. The Tribunal has exclusive jurisdiction to exercise the ^{Jurisdiction} powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it, and, except as otherwise provided in this Act, the action or decision of the Tribunal thereon is final and binding for all purposes, but nevertheless the Tribunal may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.

35. If, in the course of bargaining for a collective agreement ^{Question as to whether person an employee} or during the period of operation of a collective agreement, a question arises as to whether a person is an employee, the question may be referred to the Tribunal and its decision thereon is final and binding for all purposes.

36.—(1) The Tribunal shall exercise such powers and per- ^{Powers and duties of Tribunal, general} form such duties as are conferred upon it by or under this Act.

(2) Without limiting the generality of subsection 1, the ^{Specific} Tribunal has power,

(a) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, whether or not the premises are those of the employer, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;

(b) to enter upon the premises of the employer and conduct representation votes during working hours

and give such directions in connection with the vote as it considers necessary;

- (c) to authorize any person to do anything that the Tribunal may do under clauses *a* and *b* and to report to the Tribunal thereon;
- (d) to authorize an adjudicator to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon;
- (e) to bar an unsuccessful applicant for any period not exceeding ten months from the date of the dismissal of the unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application or by any person or employee organization representing such employees within any period not exceeding ten months from the date of the dismissal of the unsuccessful application;
- (f) to determine the form in which and the time as of which evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be presented to the Tribunal on an application for representation rights or for a declaration terminating representation rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined.

Subsequent applications for representation rights, etc.

(3) Notwithstanding sections 2 and 22, where an application has been made for representation rights of an employee organization as bargaining agent for employees in a bargaining unit or for a declaration that the employee organization no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Tribunal at the time a subsequent application for such representation rights or for such a declaration is made with respect to any of the employees affected by the original application, the Tribunal may,

- (a) treat the subsequent application as having been made on the date of the making of the original application;

(b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Tribunal on the original application; or

(c) refuse to entertain the subsequent application.

(4) Where the Tribunal is satisfied that an employee organization has an established practice of admitting persons to membership without regard to the eligibility requirements of its charter, constitution or by-laws, the Tribunal in determining whether a person is a member of an employee organization, need not have regard for such eligibility requirements provided that any person so admitted to membership is accorded full membership status for all purposes by the employee organization. <sup>Deter-
mination of
membership</sup>

37.—(1) The Tribunal may of its own motion and shall upon the request of any party state a case in writing to the Court of Appeal upon any question of law. ^{Stated case}

(2) Where a case is stated under this section, the Court of Appeal shall hear and determine in a summary manner the question raised. <sup>Court to
hear and
determine
stated case</sup>

(3) Pending the decision of the Court of Appeal on a case stated under this section, no further proceedings shall be taken by the Tribunal with respect to the subject matter of the stated case but it may continue its inquiry into matters not in issue in the stated case. <sup>Proceedings
stayed</sup>

38.—(1) The Tribunal shall determine its own practice and procedure but shall afford to the parties to any proceedings an opportunity for a hearing to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules, not inconsistent with the provisions of this Act, governing its practice and procedure and the exercise of its powers. ^{Procedure}

(2) The parties to any proceedings shall be given reasonable notice of the hearing by the Tribunal. <sup>Notice of
hearing</sup>

(3) A notice of a hearing shall include, ^{Idem}

(a) a statement of the time, place and purpose of the hearing;

(b) a reference to the statutory authority under which the hearing will be held; and

(c) a statement that if the party notified does not attend at the hearing, the Tribunal may proceed in his absence and he will not be entitled to any further notice in the proceedings.

Effect of non-attendance at hearing after due notice

(4) Where notice of a hearing has been given to a party to any proceedings in accordance with this Act and the party does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to any further notice in the proceedings.

Where character, etc., of a party is in issue

(5) Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

Hearings to be public, exceptions

(6) A hearing shall be open to the public except where the Tribunal is of the opinion that,

(a) matters involving public security may be disclosed; or

(b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the Tribunal may hold the hearing concerning any such matters *in camera*.

Maintenance of orders at hearings

(7) A Tribunal may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the Tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as may be reasonably required for that purpose.

Rights of parties to counsel, to examine witnesses, etc., at hearings

(8) A party to proceedings may at a hearing,

(a) be represented by counsel or an agent;

- (b) call and examine witnesses and present his arguments and submissions;
- (c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

(9) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the hearing without leave of the Tribunal. ^{Rights of witnesses to counsel}

(10) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. ^{Idem}

(11) The Tribunal may require any person, including a party, by summons, ^{Summonses}

- (a) to give evidence on oath or affirmation at a hearing; and
- (b) to produce in evidence at a hearing documents and things specified by the Tribunal,

relevant to the subject matter of the proceedings and admissible at a hearing.

(12) A summons issued under subsection 11 shall be in the form prescribed by the regulations and, ^{Form and service of summonses}

- (a) where the Tribunal consists of one person, shall be signed by him; or
- (b) where the Tribunal consists of more than one person, shall be signed by the presiding officer of the Tribunal or in such other manner as documents on behalf of the Tribunal may be signed; and
- (c) shall be served personally on the person summoned who shall be paid the like fees and allowances for his attendance as a witness before the Tribunal as are paid for the attendance of a witness summoned to attend before the Supreme Court.

(13) Upon proof to the satisfaction of a judge of the Supreme Court of the service of a summons under this section upon a person and that, ^{Bench warrants}

- (a) such person has failed to attend or to remain in attendance at a hearing in accordance with the requirements of the summons;
- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and
- (c) his presence is material to the ends of justice,

the judge may, by his warrant in the form prescribed by the regulations, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought before the Tribunal and to be detained in custody as the judge may order until his presence as a witness before the Tribunal is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

**Proof of
service**

(14) Service of a summons and payment of tender of fees or allowance may be proved by affidavit in an application under subsection 13.

**Certificate
of facts**

(15) Where an application under subsection 13 is made on behalf of the Tribunal, the person constituting the Tribunal, or where the Tribunal consists of two or more persons, the presiding officer thereof may certify to the judge the facts relied on to establish that the presence of the person summoned is material to the ends of justice and such certificate may be accepted by the judge as proof of such facts.

Idem

(16) Where an application under subsection 13 is made by a party to the proceedings, proof of the facts relied on to establish that the presence of the person summoned is material to the ends of justice may be by affidavit of such party.

**Contempt
proceedings**

(17) Where any person without lawful excuse,

- (a) on being duly summoned under this section as a witness at a hearing makes default in attending at the hearing; or
- (b) being in attendance as a witness at a hearing refuses to take an oath or to make an affirmation legally required by the Tribunal to be taken or made, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him or to answer any question to which the Tribunal may legally require an answer; or
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the Tribunal may, of its own motion or on application of a party to the proceedings, state a case to the Supreme Court setting out the facts and that court may, on application on behalf of and in the name of the Tribunal or by such party, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

(18) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. Protection for witnesses

(19) Subject to subsections 20 and 21, the Tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court, What is admissible in evidence at a hearing

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject matter of the proceedings and may act on such evidence, but the Tribunal may exclude anything unduly repetitious.

(20) Nothing is admissible in evidence at a hearing, What is inadmissible in evidence at a hearing

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is expressly stated to be inadmissible under this or any other Act.

(21) Nothing in subsection 19 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings. Conflicts

(22) Where the Tribunal is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing. Copies

(23) Where a document has been filed in evidence at a hearing, the Tribunal may, or the person producing it or Photo-copies

entitled to it may with the leave of the Tribunal, cause the document to be photocopied and the Tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the Tribunal.

Certified
copy
admissible
in evidence

(24) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by a member of the Tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Notice of
facts and
opinions

(25) The Tribunal may, in making its decision in any proceedings,

- (a) take notice of facts that may be judicially noticed; and
- (b) take notice of any scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

Decision

(26) The Tribunal shall give its final decision in any proceedings in writing and shall give reasons in writing therefor if requested by a party.

Notice of
decision

(27) The Tribunal shall send by registered mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the Tribunal, a copy of its final decision in the proceedings, together with the reasons therefor, where reasons have been given.

Record of
proceedings

(28) The Tribunal shall compile a record of any proceedings in which a hearing has been held which shall include,

- (a) any application, complaint, reference or other document, if any, by which the proceedings were commenced;
- (b) the notice of any hearing;
- (c) any intermediate orders made by the Tribunal;
- (d) all documentary evidence filed with the Tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceedings;

(e) the transcript, if any, of the oral evidence given at the hearing; and

(f) the decision of the Tribunal and the reasons therefor, where reasons have been given.

(29) A hearing may be adjourned from time to time by the Tribunal of its own motion or where it is shown to the satisfaction of the Tribunal that the adjournment is required to permit an adequate hearing to be held. ^{Adjournments}

(30) A member of the Tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings. ^{Administration of oaths}

(31) The Tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes. ^{Abuse of processes}

(32) The Tribunal may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence. ^{Limitation on cross-examination}

(33) The Tribunal may exclude from a hearing anyone, other than a legally qualified counsel, appearing as an agent on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly to represent or to advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser. ^{Exclusion of agents}

(34) Where the Tribunal is of opinion that because the parties to any proceedings before it are so numerous or for any other reason, it is impracticable, ^{Notice, etc.}

(a) to give notice of the hearing; or

(b) to send its decision and the material mentioned in subsection 27,

to all or any of the parties individually, the Tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the Tribunal may direct.

(35) A notice of a decision given by the Tribunal under clause b of subsection 34 shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained. ^{Contents of notice}

Disposition
of proceed-
ings without
hearing, etc.

(36) Any proceedings may be disposed of by a decision of the Tribunal given,

(a) without a hearing; or

(b) without compliance with any other requirement of this Act,

where the parties have waived such hearing or compliance.

OFFENCES

Contra-
vention of
Act by
employee

39.—(1) Every employee who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which such contravention occurs or continues.

Contra-
vention of
Act by
officer of
employee
organization

(2) Every officer or representative of an employee organization who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for every day upon which such contravention occurs or continues.

Contra-
vention of
Act by
employee
organization

(3) Every employee organization that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 for every day upon which such contravention occurs or continues.

When
officers also
guilty of
offence

(4) If an employee organization is guilty of an offence under this Act, every officer or representative thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 2 as if he had been convicted of an offence under subsection 2.

Informa-
tion

(5) An information in respect of a contravention of any provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Consent

(6) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Tribunal.

Prosecution
of employee
organization

40. A prosecution for an offence may be brought against an employee organization in the name of that organization, and, for the purposes of any such prosecution, an employee organization shall be deemed to be a person, and any Act or thing done or omitted by an officer or representative of an employee organization within the apparent scope of his

authority to act on behalf of the employee organization shall be deemed to be an act or thing done or omitted by the employee organization.

GENERAL

41.—(1) If the autonomy of an employee organization is ^{Trusteeship over employee organization} suspended under the constitution and by-laws of its parent body, written notice thereof shall be given the Tribunal by the parent body within thirty days of the commencement of such suspension together with a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Tribunal, file such additional information as the Tribunal from time to time may require.

(2) Any such supervision or control shall not continue ^{Duration of trusteeship} for more than twelve months from the date of such suspension but such supervision or control may be continued for such further period as the Tribunal may prescribe.

42.—(1) Every employee organization having representa- ^{Information} tion rights under this Act shall, within three months after the coming into force of this Act and thereafter within three months after the end of each calendar year, file a statement with the Tribunal, certified as to the truth and accuracy thereof by the president and the treasurer, containing the following particulars:

- (a) the name of the organization;
- (b) the address of the headquarters of the organization in Ontario to which communications for the purposes of this Act may be directed;
- (c) the constitution of the organization;
- (d) the name and address of each officer of the organization and the position held by each such officer;
- (e) the name and address of each officer and employee of the organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by each such officer and employee and the manner in which he was elected or appointed;
- (f) a financial statement for the latest complete fiscal year consisting of,

- (i) a balance sheet showing the assets and liabilities of the organization made up for such fiscal year, and
- (ii) a statement of income and expenditure for such fiscal year, in such form and containing such particulars and other information relating to the financial position of the organization as may be prescribed by the regulations.

Financial
statement
R.S.O. 1960,
c. 317

(2) Every financial statement shall be certified by a person licensed under *The Public Accountancy Act* and shall be accompanied by an affidavit completed by the president and treasurer of the employee organization affirming that throughout the fiscal period reported upon the employee organization was at all times qualified as an employee organization under this Act.

Publication
of financial
statement

(3) An employee organization having representation rights under this Act shall publish for its members its financial statement in the same form and within the same periods prescribed under subsections 1 and 2.

Enforcement
of Act

43. Any action or proceeding to restrain a contravention or otherwise enforce the provisions of this Act may be commenced in the Supreme Court after notice has been given to the employees affected by posting or publication in such manner as the Tribunal may direct, and in the case of an employee organization by service thereupon at the address shown in the statement required pursuant to subsection 1 of section 42.

Protection
against
giving
evidence in
civil actions

44. No member of the Tribunal or of a board or of the Public Service Grievance Board and no person appointed thereby or a mediator appointed under this Act shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act.

Mailed
notices

45.—(1) For the purposes of this Act and of any proceedings taken under it, any notice or communication sent through Her Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

Time of
making
certain
applications

(2) An application for representation rights or for a declaration that an employee organization no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Tribunal at Toronto, shall be deemed to have been made on the date on which it was so mailed.

(3) A decision, determination, report, interim order, order, ^{Time of release of documents} direction, declaration or ruling of the Board, a notice from the Tribunal that it does not deem it advisable to appoint a mediator, a report of a mediator, or a decision of a board,

(a) if sent by mail to the person, employer or employee organization concerned addressed to him or it at his or its last-known address, shall be deemed to have been released on the second day after the day on which it was so mailed; or

(b) if delivered to a person, the employer or employee organization concerned at his or its last-known address, shall be deemed to have been released on the day next after the day on which it was so delivered.

(4) Proof by a person, or the employer or employee ^{Failure to receive documents a defence} organization of failure to receive a determination, direction or decision of the Tribunal sent by mail to such person, employer or employee organization to him or it at his or its last-known address is a defence by such person, employer or employee organization to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, direction or decision.

46.—(1) The records of an employee organization relating ^{Secrecy as to union membership} to membership or any records that may disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization produced in a proceeding before the Tribunal is for the exclusive use of the Tribunal and its officers and shall not, except with the consent of the Tribunal, be disclosed, and no person shall, except with the consent of the Tribunal, be compelled to disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization.

(2) No information or material furnished to or received ^{Non-disclosure} by a mediator under this Act shall be disclosed, except to the Tribunal, unless otherwise authorized by the party providing the information or material.

(3) No report of a mediator shall be disclosed except ^{Idem} to the Tribunal.

(4) A mediator appointed under this Act is not a competent ^{Competency as witness} or compellable witness in proceedings before a court or other tribunal respecting any information, material or report mentioned in subsection 2 or 3, or respecting any information or material furnished to or received by him, or any statement

made to or by him in an endeavour to effect a collective agreement.

Idem

(5) The chairman or any other member of a board of arbitration is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him; or
- (c) any statement made by him,

in the course of his duties under this Act.

Regulations

47. The Lieutenant Governor in Council may make regulations,

- (a) excluding from the scope of collective bargaining any matter or any position or classification;
- (b) designating the body to represent any agency of the Crown for the purpose of clause *j* of section 1;
- (c) prescribing the terms and conditions on which dues or contributions may be paid to an employee organization;
- (d) prescribing the form and content of a statement of income and expenditure of an employee organization;
- (e) providing for and fixing the remuneration and expenses of the chairman and other members of a board;
- (f) designating employee organizations and the bargaining unit or units in relation to which such employee organizations have representation rights;
- (g) prescribing forms and providing for their use.

Moneys
required
for Act

48. The moneys required by the Crown for the purposes of this Act shall, until the end of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

49. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

50. This Act may be cited as *The Crown Employees Collective Bargaining Act, 1970*.

An Act to provide for
Collective Bargaining for
Crown Employees

1st Reading

November 2nd, 1970

2nd Reading

3rd Reading

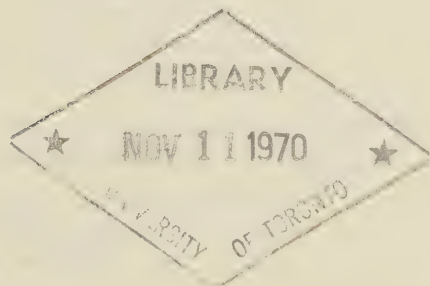
MR. MACNAUGHTON

BILL 218

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Liquor Licence Act

MR. WELCH



EXPLANATORY NOTE

The amendments provide for public house licences with no conditions respecting use by male or female.

Provision is also made for the licensing of resorts under dining lounge licences and dining room licences without local option.

BILL 218

1970

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Liquor Licence Act*,<sup>R.S.O. 1960,
c. 218, s. 1,
cl. *f*,
amended</sup> as amended by subsection 3 of section 1 of *The Liquor Licence Amendment Act, 1965*, is further amended by inserting after “inn” in the first line “resort”, so that the clause shall read as follows:

(*f*) “establishment” means a club, hotel, inn, resort, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(2) The said section 1 is amended by adding thereto the following clause:<sup>R.S.O. 1960,
c. 218, s. 1,
amended</sup>

(*ta*) “resort” means an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and lodging are furnished to the public and that operates on a seasonal basis as determined by the regulations.

2. Subsection 1 of section 21 of *The Liquor Licence Act*<sup>R.S.O. 1960,
c. 218, s. 21,
subs. 1,
amended</sup> is amended by adding thereto the following paragraph:

5a. Public house licence, for the sale and consumption of beer in premises to which both men and women are admitted, whether singly or escorted.

3.—(1) Subsection 1 of section 24 of *The Liquor Licence Act*, as amended by section 8 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following paragraph:<sup>R.S.O. 1960
c. 218, s. 24,
subs. 1,
amended</sup>

6. Resorts having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,

- i. dining lounge licence,
- ii. dining room licence.

R.S.O. 1960,
c. 218, s. 24,
amended

- (2) The said section 24 is amended by adding thereto the following subsection:

Exception
re resorts

- (2a) Notwithstanding that an affirmative vote has not been taken therefor under section 72, the Board may issue a dining lounge licence or a dining room licence in respect of a resort.

R.S.O. 1960,
c. 218, s. 72,
subs. 1,
amended

- 4.—(1) Subsection 1 of section 72 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

- 5a. Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women may be admitted whether singly or escorted?

Where
public
house
licence
may be
issued
without
vote

- (2) In municipalities where immediately before this section comes into force it is lawful to issue licences referred to in both paragraphs 4 and 5 of subsection 1 of section 21 of *The Liquor Licence Act*, it is lawful to issue the licence referred to in paragraph 5a thereof as enacted by this section notwithstanding that no affirmative vote has been taken thereon under section 72 of *The Liquor Licence Act* and subject to section 73 of that Act.

R.S.O. 1960,
c. 218, s. 73,
subs. 1,
amended

5. Subsection 1 of section 73 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

- 5a. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women are admitted whether singly or escorted?

R.S.O. 1960,
c. 218, s. 85,
amended

6. Section 85 of *The Liquor Licence Act*, as amended by section 22 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following clause:

- (ha) determining what is a seasonal basis in respect of the operation of a resort for the purposes of clause ta of section 1.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short
title

8. This Act may be cited as *The Liquor Licence Amendment Act, 1970*.

An Act to amend
The Liquor Licence Act

1st Reading

November 2nd, 1970

2nd Reading

3rd Reading

MR. WELCH

CAZON

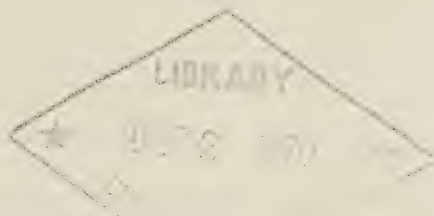
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BILL 218

Government
Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Liquor Licence Act

MR. WELCH

BILL 218

1970

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Liquor Licence Act*,<sup>R.S.O. 1960,
c. 218, s. 1,
cl. *f*,
amended</sup> as amended by subsection 3 of section 1 of *The Liquor Licence Amendment Act, 1965*, is further amended by inserting after “inn” in the first line “resort”, so that the clause shall read as follows:

(*f*) “establishment” means a club, hotel, inn, resort, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(2) The said section 1 is amended by adding thereto the following clause:<sup>R.S.O. 1960,
c. 218, s. 1,
amended</sup>

(*ta*) “resort” means an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and lodging are furnished to the public and that operates on a seasonal basis as determined by the regulations.

2. Subsection 1 of section 21 of *The Liquor Licence Act*<sup>R.S.O. 1960
c. 218, s. 21,
subs. 1,
amended</sup> is amended by adding thereto the following paragraph:

5*a*. Public house licence, for the sale and consumption of beer in premises to which both men and women are admitted, whether singly or escorted.

3.—(1) Subsection 1 of section 24 of *The Liquor Licence Act*, as amended by section 8 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following paragraph:<sup>R.S.O. 1960
c. 218, s. 24
subs. 1,
amended</sup>

6. Resorts having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,

- i. dining lounge licence,

- ii. dining room licence.

R.S.O. 1960,
c. 218, s. 24,
amended

- (2) The said section 24 is amended by adding thereto the following subsection:

Exception
re resorts

- (2a) Notwithstanding that an affirmative vote has not been taken therefor under section 72, the Board may issue a dining lounge licence or a dining room licence in respect of a resort.

R.S.O. 1960,
c. 218, s. 72,
subs. 1,
amended

- 4.—(1) Subsection 1 of section 72 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

- 5a. Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women may be admitted whether singly or escorted?

Where
public
house
licence
may be
issued
without
vote

- (2) In municipalities where immediately before this section comes into force it is lawful to issue licences referred to in both paragraphs 4 and 5 of subsection 1 of section 21 of *The Liquor Licence Act*, it is lawful to issue the licence referred to in paragraph 5a thereof as enacted by this section notwithstanding that no affirmative vote has been taken thereon under section 72 of *The Liquor Licence Act* and subject to section 73 of that Act.

R.S.O. 1960,
c. 218, s. 73,
subs. 1,
amended

5. Subsection 1 of section 73 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

- 5a. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women are admitted whether singly or escorted?

R.S.O. 1960,
c. 218, s. 85,
amended

6. Section 85 of *The Liquor Licence Act*, as amended by section 22 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following clause:

- (ha) determining what is a seasonal basis in respect of the operation of a resort for the purposes of clause ta of section 1.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short
title

8. This Act may be cited as *The Liquor Licence Amendment Act, 1970*.

An Act to amend
The Liquor Licence Act

1st Reading

November 2nd, 1970

2nd Reading

November 5th, 1970

3rd Reading

November 10th, 1970

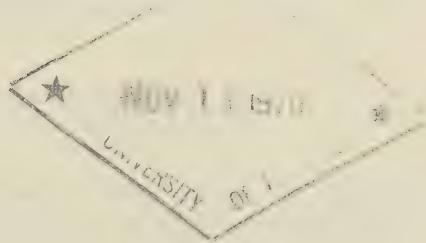
MR. WELCH

BILL 219

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Territorial Division Act

MR. McKEOUGH



EXPLANATORY NOTE

The Bill brings *The Territorial Division Act* up to date in relation to the changes in status and names of municipalities.

BILL 219

1970

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act* is amended R.S.O. 1960,
c. 395, s. 1,
amended by striking out the first five lines, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968* and subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968-69*, and substituting therefor the following:

1. The territorial division of Ontario into counties and districts and metropolitan and regional areas shall Organiza-
tion
continued continue as hereinafter set forth, and, subject to sections 4, 5, 5a and 5b, for municipal and judicial purposes such counties, and for judicial purposes such districts and metropolitan and regional areas, are respectively composed as follows:

(2) Clause *b* of paragraph 8 of the said section 1, as amended R.S.O. 1960,
c. 395, s. 1,
par. 8, cl. b,
amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "Amherstburg" in the first line "Belle River", so that the clause shall read as follows:

- (b) the towns of Amherstburg, Belle River, Essex, Harrow, Kingsville, Leamington, Tecumseh.

(3) Clause *d* of paragraph 8 of the said section 1 is amended R.S.O. 1960,
c. 395, s. 1,
par. 8, cl. d,
amended by striking out "villages of Belle River" and inserting in lieu thereof "Village of", so that the clause shall read as follows:

- (d) the Village of St. Clair Beach.

R.S.O. 1960,
c. 395, s. 1,
par. 9, cl. *b*,
amended (4) Clause *b* of paragraph 9 of the said section 1 is amended by striking out "Horse Shoe" in the second column and inserting in lieu thereof "Horseshoe".

R.S.O. 1960,
c. 395, s. 1,
par. 12, cl. *d*,
amended (5) Clause *d* of paragraph 12 of the said section 1 is amended by striking out "Saint Vincent" in the second column and inserting in lieu thereof "St. Vincent".

R.S.O. 1960,
c. 395, s. 1,
par. 15, cl. *b*,
amended (6) Clause *b* of paragraph 15 of the said section 1 is amended by striking out "Desoronto" and inserting in lieu thereof "Deseronto".

R.S.O. 1960,
c. 395, s. 1,
par. 35, cl. *a*,
re-enacted (7) Clause *a* of paragraph 35 of the said section 1 is repealed and the following substituted therefor:

(a) the cities of Barrie and Orillia.

R.S.O. 1960,
c. 395, s. 1,
par. 35, cl. *b*,
amended (8) Clause *b* of paragraph 35 of the said section 1 is amended by striking out "Orillia" in the second line, so that the clause shall read as follows:

(b) the towns of Alliston, Bradford, Collingwood,
Midland, Penetanguishene, Stayner.

R.S.O. 1960,
c. 395, s. 1,
amended (9) The said section 1 is further amended by adding thereto the following paragraph:

Toronto 36a.—THE MUNICIPALITY OF METROPOLITAN
TORONTO consists of the municipalities from time
to time included within the Metropolitan Area as
defined in *The Municipality of Metropolitan Toronto
Act*.

R.S.O. 1960,
c. 395, s. 1,
par. 42,
re-enacted (10) Paragraph 42 of the said section 1, as amended by subsection 10 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed and the following substituted therefor:

York 42.—THE REGIONAL MUNICIPALITY OF YORK
consists of the municipalities from time to time
included within the Regional Area as defined in *The
Regional Municipality of York Act, 1970*.

R.S.O. 1960,
c. 395, s. 1,
par. 43, cl. *b*,
amended (11) Clause *b* of paragraph 43 of the said section 1 is amended by striking out "Livingstone, Lawrence and Nightingale" in the second column and inserting in lieu thereof "and Livingstone".

R.S.O. 1960,
c. 395, s. 1,
par. 45, cl. *a*,
amended (12) Clause *a* of paragraph 45 of the said section 1 is amended by striking out "Matheson" in the second line.

R.S.O. 1960,
c. 395, s. 1,
par. 48,
re-enacted (13) Paragraph 48 of the said section 1 is repealed and the following substituted therefor:

48.—THE TERRITORIAL DISTRICT OF MUSKOKA consists of The District Municipality of Muskoka composed of the municipalities from time to time included within the District Area as defined in *The District Municipality of Muskoka Act, 1970*. 1970, c. 32

The District Municipality of Muskoka forms the Provisional Judicial District of Muskoka. Provisional Judicial District of Muskoka

(14) Paragraph 49 of the said section 1 is amended by striking out “Finlayson” in the first column of clause *c*. R.S.O. 1960, c. 395, s. 1, par. 49, amended

(15) Paragraph 49 of the said section 1 is further amended by inserting after “with” in the first line following clause *c* “that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and”, so that the first two lines following clause *c* shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 49, amended

together with that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and all the remaining territory included within the following limits:

.

(16) Clause *b* of paragraph 52 of the said section 1 is amended by striking out “Chelmsford” in the first line. R.S.O. 1960, c. 395, s. 1, par. 52, cl. *b*, amended

(17) Clause *c* of paragraph 52 of the said section 1, as amended by subsection 19 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 15 and 16 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after “McGee” in the first column “McKim”. R.S.O. 1960, c. 395, s. 1, par. 52, cl. *c*, amended

(18) Clause *a* of paragraph 53 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 53, cl. *a*, re-enacted

(a) the City of Thunder Bay.

2.—(1) Clause *b* of paragraph 2 of section 2 of *The Territorial Division Act* is amended by striking out “Calvert” in the first column. R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

(2) Clause *b* of paragraph 2 of the said section 2 is further amended by striking out “Black River” in the third column and inserting at the commencement of the first column “Black River-Matheson”. R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

R.S.O. 1960,
c. 395, s. 2,
par. 3, cl. a,
amended (3) Clause *a* of paragraph 3 of the said section 2, as amended by subsection 2 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Barclay" in the amendment of 1964 "Ear Falls", so that the clause shall read as follows:

(a) the improvement districts of Balmertown, Barclay, Ear Falls, Sioux Narrows.

R.S.O. 1960,
c. 395, s. 2,
par. 4,
amended (4) Paragraph 4 of the said section 2 is amended by striking out "Billings and part of Allan" in the first column and inserting in lieu thereof "Billings" and by striking out "Gordon and part of Allan" in the second column and inserting in lieu thereof "Gordon".

R.S.O. 1960,
c. 395, s. 2,
par. 5,
repealed (5) Paragraph 5 of the said section 2 is repealed.

R.S.O. 1960,
c. 395, s. 2,
par. 6, cl. a,
re-enacted (6) Clause *a* of paragraph 6 of the said section 2 is repealed and the following substituted therefor:

(a) the improvement districts of Cameron and Temagami.

* * * * *

R.S.O. 1960,
c. 395, s. 2,
par. 6, cl. b,
amended (7) Clause *b* of paragraph 6 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "West Ferris" and "Widdifield" in the third column.

R.S.O. 1960,
c. 395, s. 2,
par. 8, cl. b,
amended (8) Clause *b* of paragraph 8 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out "Lavallee" in the second column and inserting in lieu thereof "La Vallee".

R.S.O. 1960,
c. 395, s. 2,
par. 9, cl. b,
amended (9) Clause *b* of paragraph 9 of the said section 2 is amended by striking out "Bleazard" and "Capreol" in the first column, "Hanmer" in the second column and by inserting after "Salter, May and Harrow" in the third column "Valley East".

R.S.O. 1960,
c. 395, s. 2,
par. 10, cl. a,
amended (10) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 4 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "Dorion" in the first line and by striking out "Marathon" in the second line, so that the clause shall read as follows:

(a) the improvement districts of Beardmore, Manitouwadge, Nakina, Red Rock.

(11) Clause *b* of paragraph 10 of the said section 2, as amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Conmee" in the first column "Dorion" and after "Longlac" in the amendment of 1964 "Marathon".

R.S.O. 1960,
c. 395, s. 2,
par. 10, cl. *b*,
amended

3. *The Territorial Division Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 395,
amended

5*b*. For judicial purposes, The Municipality of Metropolitan Toronto and The Regional Municipality of York are combined to form the Judicial District of York.

Judicial
District of
York

4.—(1) This Act, except subsections 1, 9, 10, 13, 14 and 15 of section 1, subsections 1 and 5 of section 2 and section 3, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsections 1, 9, 10, 13, 14 and 15 of section 1, subsections 1 and 5 of section 2 and section 3 come into force on the 1st day of January, 1971.

Idem

5. This Act may be cited as *The Territorial Division Amendment Act, 1970*.

Short title

An Act to amend
The Territorial Division Act

1st Reading

November 3rd, 1970

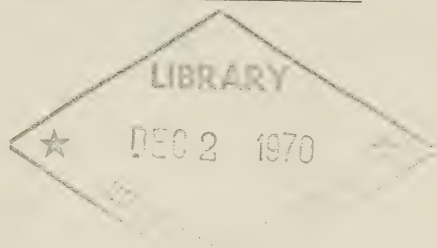
2nd Reading

3rd Reading

MR. McKEOUGH

BILL 219

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Territorial Division Act

MR. McKEOUGH

BILL 219

1970

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act* is amended by striking out the first five lines, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968* and subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968-69*, and substituting therefor the following:

R.S.O. 1960,
c. 395, s. 1,
amended

1. The territorial division of Ontario into counties and districts and metropolitan and regional areas shall continue as hereinafter set forth, and, subject to sections 4, 5, 5a and 5b, for municipal and judicial purposes such counties, and for judicial purposes such districts and metropolitan and regional areas, are respectively composed as follows:

Organiza-
tion
continued

(2) Clause *b* of paragraph 8 of the said section 1, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "Amherstburg" in the first line "Belle River", so that the clause shall read as follows:

R.S.O. 1960,
c. 395, s. 1,
par. 8, cl. *b*,
amended

- (*b*) the towns of Amherstburg, Belle River, Essex, Harrow, Kingsville, Leamington, Tecumseh.

(3) Clause *d* of paragraph 8 of the said section 1 is amended by striking out "villages of Belle River" and inserting in lieu thereof "Village of", so that the clause shall read as follows:

R.S.O. 1960,
c. 395, s. 1,
par. 8, cl. *d*,
amended

- (*d*) the Village of St. Clair Beach.

R.S.O. 1960,
c. 395, s. 1,
par. 9, cl. b,
amended (4) Clause *b* of paragraph 9 of the said section 1 is amended by striking out "Horse Shoe" in the second column and inserting in lieu thereof "Horseshoe".

R.S.O. 1960,
c. 395, s. 1,
par. 12, cl. d,
amended (5) Clause *d* of paragraph 12 of the said section 1 is amended by striking out "Saint Vincent" in the second column and inserting in lieu thereof "St. Vincent".

R.S.O. 1960,
c. 395, s. 1,
par. 15, cl. b,
amended (6) Clause *b* of paragraph 15 of the said section 1 is amended by striking out "Desoronto" and inserting in lieu thereof "Deseronto".

R.S.O. 1960,
c. 395, s. 1,
par. 35, cl. a,
re-enacted (7) Clause *a* of paragraph 35 of the said section 1 is repealed and the following substituted therefor:

(a) the cities of Barrie and Orillia.

R.S.O. 1960,
c. 395, s. 1,
par. 35, cl. b,
amended (8) Clause *b* of paragraph 35 of the said section 1 is amended by striking out "Orillia" in the second line, so that the clause shall read as follows:

(b) the towns of Alliston, Bradford, Collingwood,
Midland, Penetanguishene, Stayner.

R.S.O. 1960,
c. 395, s. 1,
amended (9) The said section 1 is further amended by adding thereto the following paragraph:

Toronto 36a.—THE MUNICIPALITY OF METROPOLITAN
TORONTO consists of the municipalities from time
to time included within the Metropolitan Area as
defined in *The Municipality of Metropolitan Toronto
Act*.

R.S.O. 1960,
c. 395, s. 1,
par. 42,
re-enacted (10) Paragraph 42 of the said section 1, as amended by subsection 10 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed and the following substituted therefor:

York 42.—THE REGIONAL MUNICIPALITY OF YORK
consists of the municipalities from time to time
included within the Regional Area as defined in *The
Regional Municipality of York Act, 1970*.

R.S.O. 1960,
c. 395, s. 1,
par. 43, cl. b,
amended (11) Clause *b* of paragraph 43 of the said section 1 is amended by striking out "Livingstone, Lawrence and Nightingale" in the second column and inserting in lieu thereof "and Livingstone".

R.S.O. 1960,
c. 395, s. 1,
par. 45, cl. a,
amended (12) Clause *a* of paragraph 45 of the said section 1 is amended by striking out "Matheson" in the second line.

R.S.O. 1960,
c. 395, s. 1,
par. 48,
re-enacted (13) Paragraph 48 of the said section 1 is repealed and the following substituted therefor:

48.—THE TERRITORIAL DISTRICT OF MUSKOKA consists of The District Municipality of Muskoka composed of the municipalities from time to time included within the District Area as defined in *The District Municipality of Muskoka Act, 1970*. 1970, c. 32

The District Municipality of Muskoka forms the Provisional Judicial District of Muskoka. Provisional Judicial District of Muskoka

(14) Paragraph 49 of the said section 1 is amended by striking out "Finlayson" in the first column of clause *c*. R.S.O. 1960, c. 395, s. 1, par. 49, amended

(15) Paragraph 49 of the said section 1 is further amended by inserting after "with" in the first line following clause *c* "that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and", so that the first two lines following clause *c* shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 49, amended

together with that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and all the remaining territory included within the following limits:

(16) Clause *b* of paragraph 52 of the said section 1 is amended by striking out "Chelmsford" in the first line. R.S.O. 1960, c. 395, s. 1, par. 52, cl. *b*, amended

(17) Clause *c* of paragraph 52 of the said section 1, as amended by subsection 19 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 15 and 16 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "McGee" in the first column "McKim". R.S.O. 1960, c. 395, s. 1, par. 52, cl. *c*, amended

(18) Clause *a* of paragraph 53 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 53, cl. *a*, re-enacted

(a) the City of Thunder Bay.

2.—(1) Clause *b* of paragraph 2 of section 2 of *The Territorial Division Act* is amended by striking out "Calvert" in the first column. R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

(2) Clause *b* of paragraph 2 of the said section 2 is further amended by striking out "Black River" in the third column and inserting at the commencement of the first column "Black River-Matheson". R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

R.S.O. 1960,
c. 395, s. 2,
par. 3, cl. a,
amended (3) Clause *a* of paragraph 3 of the said section 2, as amended by subsection 2 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Barclay" in the amendment of 1964 "Ear Falls", so that the clause shall read as follows:

(a) the improvement districts of Balmertown, Barclay, Ear Falls, Sioux Narrows.

R.S.O. 1960,
c. 395, s. 2,
par. 4,
amended (4) Paragraph 4 of the said section 2 is amended by striking out "Billings and part of Allan" in the first column and inserting in lieu thereof "Billings" and by striking out "Gordon and part of Allan" in the second column and inserting in lieu thereof "Gordon".

R.S.O. 1960,
c. 395, s. 2,
par. 5,
repealed (5) Paragraph 5 of the said section 2 is repealed.

R.S.O. 1960,
c. 395, s. 2,
par. 6, cl. a,
re-enacted (6) Clause *a* of paragraph 6 of the said section 2 is repealed and the following substituted therefor:

(a) the improvement districts of Cameron and Temagami.

R.S.O. 1960,
c. 395, s. 2,
par. 6, cl. b,
amended (7) Clause *b* of paragraph 6 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "West Ferris" and "Widdifield" in the third column.

R.S.O. 1960,
c. 395, s. 2,
par. 8, cl. b,
amended (8) Clause *b* of paragraph 8 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out "Lavallee" in the second column and inserting in lieu thereof "La Vallee".

R.S.O. 1960,
c. 395, s. 2,
par. 9, cl. b,
amended (9) Clause *b* of paragraph 9 of the said section 2 is amended by striking out "Bleazard" and "Capreol" in the first column, "Hanmer" in the second column and by inserting after "Salter, May and Harrow" in the third column "Valley East".

R.S.O. 1960,
c. 395, s. 2,
par. 10, cl. a,
amended (10) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 4 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "Dorion" in the first line and by striking out "Marathon" in the second line, so that the clause shall read as follows:

(a) the improvement districts of Beardmore, Manitouwadge, Nakina, Red Rock.

(11) Clause *b* of paragraph 10 of the said section 2 as, <sup>R.S.O. 1960,
c. 395, s. 2,
par. 10, cl. b,
amended</sup> amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Conmee" in the first column "Dorion" and after "Longlac" in the amendment of 1964 "Marathon".

3. *The Territorial Division Act* is amended by adding <sup>R.S.O. 1960,
c. 395,
amended</sup> thereto the following section:

5*b*. For judicial purposes, The Municipality of Metropolitan Toronto and The Regional Municipality <sup>Judicial
District of
York</sup> of York are combined to form the Judicial District of York.

4.—(1) This Act, except subsections 1, 9, 10, 13, 14 and 15 <sup>Commence-
ment</sup> of section 1, subsections 1 and 5 of section 2 and section 3, comes into force on the day it receives Royal Assent.

(2) Subsections 1, 9, 10, 13, 14 and 15 of section 1, sub- ^{Idem} sections 1 and 5 of section 2 and section 3 come into force on the 1st day of January, 1971.

5. This Act may be cited as *The Territorial Division* ^{Short title} *Amendment Act, 1970*.

An Act to amend
The Territorial Division Act

1st Reading

November 3rd, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 9th, 1970

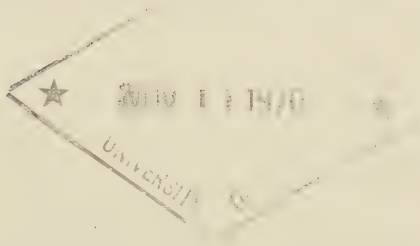
MR. McKEOUGH

BILL 220

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Franchises Act

MR. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The effect of the amendment is to authorize the Municipal Board to approve more than one by-law in respect of the same work, provided the total period of operation of such by-laws does not exceed three years.

BILL 220

1970

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Municipal Franchises Act*, as amended ^{R.S.O. 1960, c. 255, s. 7, amended} by section 2 of *The Municipal Franchises Amendment Act, 1966*, is further amended by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, clause *d* of subsection ^{Idem} 1 of section 6 applies to a subsequent by-law or by-laws in respect of the same works or any part of them or to an extension of or addition to them if the period of operation of such subsequent by-law or by-laws is expressly limited so that the total period of operation of the original by-law and the subsequent by-law or by-laws does not exceed three years.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

3. This Act may be cited as *The Municipal Franchises* ^{Short title} *Amendment Act, 1970*.

An Act to amend
The Municipal Franchises Act

1st Reading

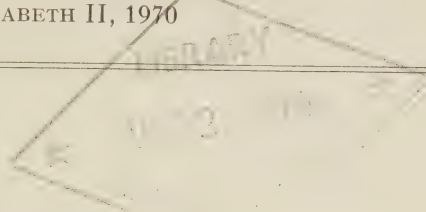
November 3rd, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



An Act to amend The Municipal Franchises Act

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 220

1970

**An Act to amend
The Municipal Franchises Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Municipal Franchises Act*, as amended ^{R.S.O. 1960, c. 255, s. 7, amended} by section 2 of *The Municipal Franchises Amendment Act, 1966*, is further amended by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, clause *d* of subsection ^{Idem} 1 of section 6 applies to a subsequent by-law or by-laws in respect of the same works or any part of them or to an extension of or addition to them if the period of operation of such subsequent by-law or by-laws is expressly limited so that the total period of operation of the original by-law and the subsequent by-law or by-laws does not exceed three years.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Municipal Franchises* ^{Short title} *Amendment Act, 1970*.

An Act to amend
The Municipal Franchises Act

1st Reading

November 3rd, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 9th, 1970

MR. McKEOUGH



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